

## ORDER OF THE COURT

(Third Chamber)

of 18 December 1997

in Case C-409/96 P: Sveriges Betodlares Centralförening and Sven Åke Henrikson v. Commission of the European Communities <sup>(1)</sup>

(Common agricultural policy — Agricultural conversion rate in the sugar sector — Appeal clearly unfounded)

(98/C 72/08)

(Language of the case: English)

In Case C-409/96 P: Sveriges Betodlares Centralförening, an association established under Swedish law, having its registered office in Malmö (Sweden), and Sven Åke Henrikson, residing in Lund (Sweden), represented by Otfried Lieberknecht, Rechtsanwalt, Düsseldorf, Michael Schütte, Rechtsanwalt, Berlin, and Vanessa Turner, Solicitor, with an address for service in Luxembourg at the Chambers of Bonn & Schmitt, 62 Avenue Guillaume — appeal against the order of the Court of First Instance of the European Communities (First Chamber) of 4 October 1996 in Case T-197/95 Sveriges Betodlares Centralförening and Henrikson v. Commission [1996] ECR II-1283, seeking to have that order set aside, the other party to the proceedings being the Commission of the European Communities (Agent: James Macdonald Flett) — the Court (Third Chamber), composed of: C. Gulmann, President of the Chamber, J. C. Moitinho de Almeida and J.-P. Puissochet (Rapporteur), Judges; M. B. Elmer, Advocate General; R. Grass, Registrar, has made an order on 18 December 1997, the operative part of which is as follows:

1. *The appeal is dismissed.*
2. *The appellants are ordered to pay the costs.*

<sup>(1)</sup> OJ C 74, 8.3.1997.

Reference for a preliminary ruling by the *Gerechtshof te 's-Hertogenbosch*, by judgment of that court of 11 November 1997 in the criminal proceedings against Adrianus Hendrikus Albers, Martinus Johannes Maria Van den Berkmortel and Leon Victor Pierre Maria Nuchelmans

(Cases C-425/97, C-426/97 and C-427/97)

(98/C 72/09)

Reference has been made to the Court of Justice of the European Communities by judgment of the *Gerechtshof (Regional Court of Appeal) 's-Hertogenbosch*, of 11 November 1997, which was received at the Court

Registry on 16 December 1997, in the criminal proceedings against Adrianus Hendrikus Albers, Martinus Johannes Maria Van den Berkmortel and Leon Victor Pierre Maria Nuchelmans on the following question:

'Does the *Verordening Stoffen met sympathico mimetische werking* (P.V.V.) 1991 and, more particularly, Article 3(1) thereof, contain technical regulations which, pursuant to Article 8 of Directive 83/189/EEC <sup>(1)</sup>, as it stood at the time when the *Verordening* came into force, should have been notified to the Commission beforehand?'

<sup>(1)</sup> OJ L 109, 26.4.1983, p. 8.

Reference for a preliminary ruling by the *Verwaltungsgericht, Autonome Sektion für die Provinz Bozen, Italy*, by order of that court of 16 December 1997 in the cases brought by the World Wildlife Fund (WWF), *Italia Nostra*, national association, and Günther Bachmann and others v. the Autonome Provinz Bozen, the Ministry of Transport, the *Gemeinde Bozen*, the *Gemeinde Leifers*, *Südtiroler Transportstrukturen AG* and *Airport Bolzano-Bozen AG*

(Case C-435/97)

(98/C 72/10)

Reference has been made to the Court of Justice of the European Communities by order of the *Verwaltungsgericht, Autonome Sektion für die Provinz Bozen (Administrative Court, Separate Division for the Province of Bolzano)*, Italy, of 16 December 1997, received at the Court Registry on 24 December 1997, for a preliminary ruling in the cases brought by the World Wildlife Fund (WWF), *Italia Nostra*, national association, and Günther Bachmann and others against the Autonome Provinz Bozen (Autonomous Province of Bolzano), the Ministry of Transport, the *Gemeinde Bozen (District of Bolzano)*, the *Gemeinde Leifers (District of Läives)*, *Südtiroler Transportstrukturen AG* and *Airport Bolzano-Bozen AG* on the following questions:

1. Is Article 4(2) of Directive 85/337/EEC <sup>(1)</sup> to be interpreted as meaning:

- (a) that certain classes of the projects listed in Annex II may from the outset, in the absolute discretion of the Member States, be excluded in their entirety from the obligation to carry out an environmental assessment; or
- (b) that the margin of discretion enjoyed by the Member States is limited by the obligation laid down in Article 2(1) of the directive to subject to an environmental assessment in any event those projects likely to have significant effects on the environment, by virtue *inter alia* of their nature, size or location?