

Philippe II — appeal against the judgment of the Court of First Instance of the European Communities (Third Chamber, Extended Composition) of 8 October 1996 in Joined Cases T-24/93 to T-26/93 and T-28/93 *Compagnie Maritime Belge Transports and Others v Commission* [1996] ECR II-1201, seeking to have that judgment set aside, the other parties to the proceedings being Commission of the European Communities (Agent: R. Lyal, assisted by J. Flynn), Grimaldi, established in Palermo, Italy, and Cobelfret, established in Antwerp, represented by M. Clough, Solicitor, with an address for service in Luxembourg at the Chambers of A. May, 31 Grand-Rue, interveners at first instance, Deutsche Afrika-Linien GmbH & Co., established in Hamburg, Germany, Nedlloyd Lijnen BV, established in Rotterdam, Netherlands, applicants at first instance — the Court (Fifth Chamber), composed of: D.A.O. Edward (Rapporteur), President of the Chamber, J.C. Moitinho de Almeida, L. Sevón, C. Gulmann and P. Jann, Judges; N. Fennelly, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 16 March 2000, in which it:

1. *Sets aside the judgment of the Court of First Instance of 8 October 1996 in Joined Cases T-24/93 to T-26/93 and T-28/93 Compagnie Maritime Belge Transports and Others v Commission to the extent that it upheld the fines imposed on Compagnie Maritime Belge Transport SA, Compagnie Maritime Belge SA and Dafra-Lines A/S;*
2. *Annuls Articles 6 and 7 of Commission Decision 93/82/EEC of 23 December 1992 relating to a proceeding pursuant to Articles 85 (IV/32.448 and IV/32.450: Cewal, Cowac and Ukwel) and 86 (IV/32.448 and IV/32.450: Cewal) of the EEC Treaty as regards Compagnie Maritime Belge Transport SA, Compagnie Maritime Belge SA and Dafra-Lines A/S;*
3. *Dismisses the remainder of the appeal;*
4. *Orders Compagnie Maritime Belge Transport SA, Compagnie Maritime Belge SA and Dafra-Lines A/S to bear their own costs, and to pay three quarters of those of the Commission of the European Communities and all those of Grimaldi and Cobelfret.*

(¹) OJ C 54 of 22.2.1997.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 16 March 2000

in Case C-329/97 (reference for a preliminary ruling from the Bundesverwaltungsgericht): Sezgin Ergat v Stadt Ulm⁽¹⁾

(EEC-Turkey Association Agreement — Free movement of workers — First paragraph of Article 7 of Decision No 1/80 of the Association Council — Member of a Turkish worker's family — Extension of residence permit — Definition of legal residence — Application for extension of a temporary residence permit lodged after its expiry)

(2000/C 149/06)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-329/97: Reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) by the Bundesverwaltungsgericht, Germany, for a preliminary ruling in the proceedings pending before that court between Sezgin Ergat and Stadt Ulm — on the interpretation of the first paragraph of Article 7 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association, adopted by the Association Council established by the Association Agreement between the European Economic Community and Turkey — the Court (Sixth Chamber), composed of: R. Schintgen (Rapporteur), President of the Second Chamber, acting as President of the Sixth Chamber, P.J.G. Kapteyn and G. Hirsch, Judges; J. Mischo, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 16 March 2000, in which it has ruled:

A Turkish national, who was authorised to enter a Member State for the purpose of re-uniting the family of a Turkish worker belonging to the legal labour force of that State, has been legally resident there for more than five years and has been in legal employment of various kinds, with interruptions, does not lose the benefit of the rights conferred on him by the second indent of the first paragraph of Article 7 of Decision No 1/80 of 19 September 1980 on the development of the Association, adopted by the Association Council established by the Association Agreement between the EEC and Turkey, and, in particular, the right to extend his residence permit in the host Member State, where his residence permit had expired before the date on which he lodged an application to extend it which was refused by the competent national authorities.

(¹) OJ C 357 of 22.11.1997.