

Article 1(3) of Directive 91/439 cannot be invoked in order to justify a compulsory, systematic scheme for the registration of licences issued by other Member States. The view taken by the Netherlands authorities is based on a misapprehension of the relationship between Article 1(2) and Article 1(3) of the directive and between the directive and Article 43 EC. In addition, the measures applied by the Netherlands authorities are disproportionate.

- Infringement of Article 1(2) of Directive 91/439, resulting from the reduction in the period of validity of a driving licence issued by another Member State following the date of issue in that Member State: the Netherlands authorities apply the national rules concerning the validity of licences as from the time of becoming established in the Netherlands. In that respect too, the Netherlands authorities have misapprehended the relationship between Article 1(2) and Article 1(3) of the directive, in that, for a great many licence-holders, the mutual recognition provided for by Article 1(2) is ineffective. The Netherlands authorities have misunderstood the notion of 'mutual recognition': this does not mean that holders of driving licences issued by the Netherlands and by other Member States must be treated in the same way, but that the legal effects attaching to driving licences issued by another Member State are the same as in the issuing Member State. The aim is not to allow discrimination against holders of Netherlands driving licences by comparison with holders of other driving licences, but to prevent a situation in which the latter group are faced with obstacles to the exercise of freedom of establishment in the Netherlands.
- Infringement of Article 6(1)(c) of Directive 91/439: the Netherlands statute prescribes a minimum age of 18 for drivers of category D vehicles, whereas, in accordance with Article 6(1)(c) of the directive, that age should be 21.
- Infringement of point 4 in Annex III to Directive 91/439: inasmuch as Article 100 of the (Netherlands) Reglement Rijbewijzen (Rules on Driving Licences) does not provide for a periodic medical examination for Group 2 drivers (lorry drivers and bus drivers), it is contrary to point 4 in Annex III to the directive.

(<sup>1</sup>) Judgment of the Court of Justice of 29 February 1996 in Case C-193/94 Skanavi [1996] ECR I-929.

**Action brought on 26 June 2000 by the Commission of the European Communities against the Kingdom of the Netherlands**

(Case C-254/00)

(2000/C 259/09)

An action against the Kingdom of the Netherlands was brought before the Court of Justice of the European Communities on 26 June 2000 by the Commission of the European Communities, represented by H. van Lier, Legal Adviser in the Commission's Legal Service, acting as Agent, with an address for service in Luxembourg at the office of C. Gómez de la Cruz, also of the Legal Service, Wagner Centre.

The applicant claims that the Court should:

1. Declare that, by failing to notify all of the laws, regulations and administrative provisions necessary for compliance with Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals<sup>(1)</sup> or by failing to adopt the measures necessary for that purpose, the Kingdom of the Netherlands has failed to fulfil its obligations under that directive;
2. Order the Kingdom of the Netherlands to pay the costs.

*Pleas in law and main arguments*

In view of the mandatory nature of the third paragraph of Article 249 EC, Member States are required to adopt the measures necessary for compliance with directives which are addressed to them, and to do so before the expiry of the period specified therein. That period expired on 23 August 1996 without the Netherlands having adopted the requisite provisions.

(<sup>1</sup>) OJ 1995 L 281, p. 51.

**Reference for a preliminary ruling by the High Court of Justice (England & Wales), Queen's Bench Division (Crown Office), by order of that court of 21 June 2000, in the case of the Commissioners of Customs and Excise against the Zoological Society of London**

(Case C-267/00)

(2000/C 259/10)

Reference has been made to the Court of Justice of the European Communities by an order of the High Court of Justice (England & Wales), Queen's Bench Division (Crown Office) of 21 June 2000, which was received at the Court Registry on 3 July 2000, for a preliminary ruling in the case of the Commissioners of Customs and Excise against the Zoological Society of London, on the following questions:

How are the words 'managed and administered on an essentially voluntary basis by persons who have no direct or indirect interest, either themselves or through intermediaries, in the results of the activities concerned' in the second indent to Article 13 A (2) (a) of Council Directive 77/388/EEC<sup>(1)</sup> of 17 May 1977 to be interpreted, having regard to the facts of the present case? In particular:

- (a) what are the criteria for determining by whom a body is managed and administered for the purposes of the provision; do these words refer
- (i) only to the members of the senior controlling organs of the body, or
  - (ii) to any individuals involved in any managerial or administrative function whatsoever? If so, what are the criteria for determining whether a person is involved in a relevant managerial or administrative function?
- (b) what are the criteria for determining whether management and administration of a body is conducted on an essentially voluntary basis; do these words refer
- (i) to the extent to which the management and administration of the body is conducted by remunerated and unremunerated persons respectively, and if so, how is the test to be applied; or
  - (ii) to the individual financial basis upon which each of the persons conducting the management and administration of the body performs that role (for example, none of those persons must receive more than nominal remuneration); or
  - (iii) to some other test or criterion, and if so, what is that test or criterion?

<sup>(1)</sup> Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ L 145, 13.6.1977, p. 1).

**Action brought on 3 July 2000 by Commission of the European Communities against the Kingdom of the Netherlands**

**(Case C-268/00)**

(2000/C 259/11)

An action against the Kingdom of the Netherlands was brought before the Court of Justice on 3 July 2000 by the Commission

of the European Communities, represented by G. Valero Jordana and C. Van Der Hauwaert, of its Legal Service, acting as Agents, with an address for service in Luxembourg at the office of C. Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

- (1) declare that, by failing to comply, within the time-limits laid down in Council Directive 76/160/EEC of 8 December 1975<sup>(1)</sup> concerning the quality of bathing water, with the obligations imposed by Articles 4(1) and 6(1) of the directive, the Kingdom of the Netherlands has failed to fulfil its obligations under Community law;
- (2) order the Kingdom of the Netherlands to pay the costs.

*Pleas in law and main arguments*

Well over 14 years after the expiry of a ten-year time-limit following the publication of Directive 76/160/EEC, the obligation to achieve certain results with regard to the minimum quality of bathing water has still not been complied with in the Kingdom of the Netherlands in respect of 8 % of the fresh water bathing areas and 1,3 % of coastal waters (1999 bathing season).

During that season, no samples whatever had yet been taken in four of the 528 fresh water bathing areas (0,7 %).

<sup>(1)</sup> OJ 1976 L 31, p. 1.

**Reference for a preliminary ruling by the Bundesfinanzhof by order of that court of 25 May 2000 in the case of Wolfgang Seeling against Finanzamt Starnberg**

**(Case C-269/00)**

(2000/C 259/12)

Reference has been made to the Court of Justice of the European Communities by order of the Bundesfinanzhof (Federal Finance Court) of 25 May 2000, received at the Court Registry on 3 July 2000, for a preliminary ruling in the case of Wolfgang Seeling against Finanzamt (Tax Office) Starnberg on the following question: