

- did not communicate all the information required by Annex XII to Directive 93/38 as regards the six calls for competition published in the Official Journal of the European Communities,
- did not communicate to the Commission the information required regarding the award of all the contracts comprised in that work above the threshold laid down in Article 14(10), second subparagraph, last sentence, of Directive 93/38,

the French Republic has failed to fulfil its obligations under Articles 4(2) and 14(1), (10) and (13) together with Articles 21(1) and (5), 24(1) and (2) and 25(5) of that directive;

2. Dismisses the remainder of the application;
3. Orders the Commission of the European Communities and the French Republic to bear their own costs.

(¹) OJ C 94 of 28.3.1998.

JUDGMENT OF THE COURT

of 5 October 2000

in Case C-337/98: Commission of the European Communities v French Republic(¹)

(Failure to fulfil obligations — Public procurement contracts in the transport sector — Directive 93/38/EEC — Applicability *ratione temporis* — Rennes urban district light railway project — Contract awarded by negotiated procedure without a prior call for competition)

(2000/C 335/38)

(Language of the case: French)

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

In Case C-337/98: Commission of the European Communities (Agent: M. Nolin) v French Republic (Agents: K. Rispal-Bellanger and A. Viéville-Bréville) — application for a declaration that, by its decision of 22 November 1996 to award the turnkey contract for the Rennes urban district light railway project to Matra-Transport, the French Republic has failed to fulfil its obligations under Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ 1993 L 199, p. 84), and Articles 4(2) and 20(2)(c) thereof in particular — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida and L. Sevón (Presidents of Chambers), P.J.G. Kapteyn, J.-P. Puissochet, P. Jann, H. Ragnemalm,

M. Wathelet and V. Skouris (Rapporteur), Judges; F.G. Jacobs, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, has given a judgment on 5 October 2000, in which it:

1. Dismisses the application;
2. Orders the Commission of the European Communities to pay the costs.

(¹) OJ C 340 of 7.11.1998.

JUDGMENT OF THE COURT

of 5 October 2000

in Case C-376/98: Federal Republic of Germany v European Parliament and Council of the European Union(¹)

(Directive 98/43/EC — Advertising and sponsorship of tobacco products — Legal basis — Article 100a of the EC Treaty (now, after amendment, Article 95 EC))

(2000/C 335/39)

(Language of the case: German)

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

In Case C-376/98: Federal Republic of Germany (Agents: C.-D. Quassowski assisted by J. Sedemund) v European Parliament (Agents: C. Pennera and N. Lorenz) and Council of the European Union (Agents: R. Gosalbo Bono, A. Feeney and S. Marquardt) supported by French Republic (Agents: initially J.-F. Dobelle and R. Loosli-Surrans, and then K. Rispal-Bellanger and R. Loosli-Surrans) and by Republic of Finland, (Agents: H. Rotkirch and T. Pynnä) and by United Kingdom of Great Britain and Northern Ireland (Agents: M. Ewing and N. Paines) and by Commission of the European Communities (Agents: I. Martínez del Peral and U. Wölker) — application for the annulment of Directive 98/43/EC of the European Parliament and of the Council of 6 July 1998 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ 1998 L 213, p. 9) — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida (Rapporteur), D.A.O. Edward, L. Sevón and R. Schintgen (Presidents of Chambers), P.J.G. Kapteyn, C. Gulmann, A. La Pergola, J.-P. Puissochet, P. Jann, H. Ragnemalm, M. Wathelet and F. Macken, Judges; N. Fennelly, Advocate General; H. von Holstein, Deputy Registrar, and L. Hewlett, Administrator, for the Registrar, has given a judgment on 5 October, in which it: