

residing in Frankfurt am Main, Marc van de Velde, member of staff of the European Central Bank, residing in Usingen-Kransberg, Germany, and Maria Concetta Cerafogli, member of staff of the European Central Bank, residing in Frankfurt am Main, represented by N. Pflüger, R. Steiner and S. Mittländer — appeal against the order of the Court of First Instance of the European Communities (Fourth Chamber) of 24 October 2000 in Case T-27/00 Staff Committee of the ECB and Others v ECB [2000] ECR-SC I-A-217 and II-987, seeking to have that order set aside, the other party to the proceedings being European Central Bank (Agents: C. Zilioli, V. Saintot and M. López Torres) — the Court (Third Chamber), composed of: C. Gulmann, President of the Chamber, F. Macken (Rapporteur) and J.N. Cunha Rodrigues, Judges; P. Léger, Advocate General; R. Grass, Registrar, has made an order on 13 September 2001, the operative part of which is as follows:

1. *The appeal is dismissed.*
2. *The Staff Committee of the European Central Bank, Mr Priese-mann, Mr Van de Velde and Ms Cerafogli shall pay the costs.*

(¹) OJ C 61 of 24.2.2001.

Reference for a preliminary ruling by the Third Division of the Sala De Lo Contencioso-administrativo by order of that court of 4 October 2001 in the case of Colegio de Oficiales de la Marina Mercante Española, the State Administration and Asociación de Navieros Españoles (ANAVE)

(Case C-405/01)

(2002/C 17/12)

Reference has been made to the Court of Justice of the European Communities by an order of the Third Division of the Sala De Lo Contencioso-administrativo (Chamber for Contentious-Administrative Proceedings), which was received at the Court Registry on 15 October 2001, for a preliminary ruling in the case of Colegio de Oficiales de la Marina Mercante Española, the State Administration and Asociación de Navieros Españoles (ANAVE), on the following questions:

- A) Do Article 39 EC (formerly Article 48 of the EC Treaty) and Articles 1 and 4 of Regulation (EEC) No 1612/68 (¹) of the Council of 15 October 1968 on freedom of movement for workers within the Community permit a Member State to reserve the posts of captain and first officer of its merchant ships to its own nationals? If the reply is in the affirmative, may that reservation be formulated in absolute terms (for all types of merchant ships) or is it valid only in cases in which it is foreseeable and reasonable that it may be necessary for captains and first officers on board actually to carry out certain public duties?
- B) If the national provisions of a Member State exclude from the reservation of those posts to its nationals certain commercial shipping situations (defined on the basis of factors such as the gross tonnage of the ship, the cargo or number of passengers and the characteristics of its voyages) and, in those situations, allow citizens of other Member States of the European Union to have access to the posts in question, may that access be made subject to the condition of reciprocity?

(¹) OJ English Special Edition 1968(II) P. 475.

Action brought on 12 November 2001 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-435/01)

(2002/C 17/13)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 12 November 2001 by the Commission of the European Communities, represented by H. van Lier, acting as Agent.

The applicant claims that the Court should:

1. declare that, by failing within the time-limits prescribed to adopt all the laws, regulations and administrative provisions necessary to comply fully and correctly with Council Directive 96/61/EC of 24 September 1996 (¹) concerning integrated pollution prevention and control, or at any rate to notify the same to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under that directive;

2. order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The binding nature of the third paragraph of Article 249 EC is such as to require Member States to whom directives are addressed to adopt the measures needed to comply with them before the expiry of the time-limit prescribed in such directives. The time-limit prescribed in Article 21(1) of Directive 96/61 expired on 30 October 1999 but the Kingdom of Belgium has not adopted the requisite provisions.

⁽¹⁾ OJ 1996 L 257, p. 26.

Action brought on 12 November 2001 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-436/01)

(2002/C 17/14)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 12 November 2001 by the Commission of the European Communities, represented by H. van Lier, acting as Agent.

The applicant claims that the Court should:

1. declare that, by failing within the time-limits prescribed to adopt all the laws, regulations and administrative provisions necessary to comply with Council Directive 98/81/EC⁽¹⁾ of 26 October 1998 amending Directive 90/219/EEC⁽²⁾ on the contained use of genetically modified micro-organisms, or at any rate to notify the same to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under that directive;
2. order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are analogous to those in Case C-435/01⁽³⁾; the time-limit prescribed in Article 2 of Directive 98/81/EC expired on 5 June 2001.

⁽¹⁾ OJ 1999 L 93, p. 27.

⁽²⁾ OJ 1990 L 117, p. 1.

⁽³⁾ See page 8 of this Official Journal.

Action brought on 20 November 2001 by the Commission of the European Communities against the Hellenic Republic

(Case C-450/01)

(2002/C 17/15)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 20 November 2001 by the Commission of the European Communities, represented by Maria Kondou-Durande, Legal Adviser.

The Commission claims that the Court should:

- declare that, by not adopting within the time-limit laid down the laws, regulations and administrative provisions necessary to comply with Commission Directive 1999/8/EC⁽¹⁾ of 18 February 1999 amending Council Directive 66/402/EEC on the marketing of cereal seed, the Hellenic Republic has failed to fulfil its obligations under the Treaty and that directive;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

In accordance with the third paragraph of Article 249 EC, directives are binding, as to the result to be achieved, upon each Member State to which they are addressed.

Under the first paragraph of Article 10 EC, Member States are to take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Treaty or resulting from action taken by the institutions of the Community.