

- (3) Are the same provisions of Regulation 896/2001 incompatible with Council Regulation EEC No 404/93⁽²⁾ of 13 February 1993 (with subsequent amendments and additions), in particular with Article 20 thereof?
- (4) If the answer given to the preceding questions is in the negative, the Court is asked to state whether, by precluding persons related to traditional operators from being granted a tariff quota even as 'non-traditional operators', Article 6 of the aforementioned Commission regulation, in particular subparagraph (c) thereof, conflicts with the fundamental right to pursue a professional activity, viewed in relation to the freedom to conduct a business.

⁽¹⁾ OJ L 126, 8.5.2001, p. 6.

⁽²⁾ OJ L 47, 25.2.1993, p. 1.

Action brought on 15 February 2002 by Commission of the European Communities against Portuguese Republic

(Case C-44/02)

(2002/C 97/08)

An action against the Portuguese Republic was brought before the Court of Justice of the European Communities on 15 February 2002 by the Commission of the European Communities, represented by António Caeiros, acting as Agent.

The applicant claims that the Court should:

- Declare that, by failing to adopt and bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC⁽¹⁾, the Portuguese Republic has failed to fulfil its obligations under Article 9 of the aforementioned Directive 2000/25/EC; and
- In the alternative, declare that, by failing to inform the Commission of such provisions, the Portuguese Republic has failed to fulfil its obligations under Article 9 of the aforementioned Directive 2000/25/EC;
- Order the Portuguese Republic to pay the costs.

Pleas in law and main arguments

Under the first paragraph of Article 10 and the third paragraph of Article 249 of the EC Treaty, Member States must adopt the measures necessary to transpose directives addressed to them into their domestic law before the expiry of the period prescribed for doing so. That period expired on 29 September 2000 without Portugal having brought into force the necessary provisions.

⁽¹⁾ OJ 2000 L 173, p. 1.

Action brought on 15 February 2002 by Commission of the European Communities against Portuguese Republic

(Case C-45/02)

(2002/C 97/09)

An action against the Portuguese Republic was brought before the Court of Justice of the European Communities on 15 February 2002 by the Commission of the European Communities, represented by António Caeiros, acting as Agent.

The applicant claims that the Court should:

- Declare that, by failing to adopt and bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with Commission Directive 2000/2/EC of 14 January 2000 adapting to technical progress Council Directive 75/322/EEC relating to the suppression of radio interference produced by spark-ignition engines fitted to wheeled agricultural or forestry tractors and Council Directive 74/150/EEC relating to the type-approval of wheeled agricultural or forestry tractors⁽¹⁾, the Portuguese Republic has failed to fulfil its obligations under Article 4 of Directive 2000/2/EC;
- In the alternative, declare that, by failing to inform the Commission immediately of such provisions, the Portuguese Republic has failed to fulfil its obligations under Article 4 of Directive 2000/2/EC;
- Order the Portuguese Republic to pay the costs.