JUDGMENT OF THE COURT

(Sixth Chamber)

2 May 2002

in Case C-292/99: Commission of the European Communities v French Republic [1]

(Failure by a Member State to fulfil its obligations — Environment — Waste — Directives 75/442/EEC, 91/156/EEC, 91/689/EEC and 94/62/EC — Waste management plans)

(2002/C 144/03)

(Language of the case: French)

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

In Case C-292/99, Commission of the European Communities (Agents: H. van Lier and L. Ström) v French Republic (Agents: K. Rispal-Bellanger and D. Colas): Application for a declaration that, by failing to draw up management plans either for the whole of its territory or for all waste, and by failing to include a chapter relating to packaging waste in all of the waste plans which it has adopted, the French Republic has failed to fulfil its obligations under Article 7(1) of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32), under Article 6(1) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (OJ 1991 L 377, p. 20) and under Article 14 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ 1994 L 365, p. 10), the Court (Sixth Chamber), composed of: F. Macken, President of the Chamber, C. Gulmann, J.-P. Puissochet, V. Skouris (Rapporteur) and J. N. Cunha Rodrigues, Judges; A. Tizzano, Advocate General,: H. A. Rühl, Principal Administrator; Registrar, has given a judgment on 2 May 2002, in which it:

1. *Declares that, by failing to draw up waste management plans for the whole of its territory, by failing to draw up, for certain regions or certain departments, such plans for waste containing polychlorinated biphenyls, medical waste and special domestic waste, and by failing to include a specific chapter relating to packaging waste in all of the waste management plans which it has adopted, the French Republic has failed to fulfil its obligations under Article 7(1) of Council Directive 75/442/EEC on 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, under Article 6(1) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste and under Article 14 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste;*

2. *Orders the French Republic to pay the costs.*

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(1) OJ C 281 of 2.10.1999.

JUDGMENT OF THE COURT

23 April 2002

in Case C-443/99 (Reference for a preliminary ruling from the Oberlandesgericht Wien): Merck, Sharp & Dohme GmbH v Paranova Pharmazeutika Handels GmbH [1]

(Trade marks — Directive 89/104/EEC — Article 7(2) — Exhaustion of the rights conferred by the trade mark — Pharmaceutical products — Parallel importation — Repackaging of the trade-marked product)

(2002/C 144/04)

(Language of the case: German)

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

In Case C-443/99: Reference to the Court under Article 234 EC by the Oberlandesgericht Wien (Austria) for a preliminary ruling in the proceedings pending before that court between Merck, Sharp & Dohme GmbH and Paranova Pharmazeutika Handels GmbH, on the interpretation of Article 7(2) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1), as amended by the Agreement on the European Economic Area of 2 May 1992 (OJ 1994 L 1, p. 3), the Court, composed of: G.C. Rodríguez Iglesias, President, P. Jann (President of Chamber), C. Gulmann (Rapporteur), D. A. O. Edward, M. Wathelet, R. Schintgen, V. Skouris, J. N. Cunha Rodrigues and C. W. A. Timmermans, Judges; F. G. Jacobs, Advocate General; D. Louterman-Hubeau, Head of Division, for the Registrar, has given judgment on 23 April 2002, in which it has ruled:

Replacement packaging of pharmaceutical products is objectively necessary within the meaning of the Court's case-law if, without such repackaging, effective access to the market concerned, or to a substantial part of that market, must be considered to be hindered as the result of strong resistance from a significant proportion of consumers to relabelled pharmaceutical products.

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(1) OJ C 34 of 5.2.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

7 May 2002

in Case C-478/99: Commission of the European Communities v Kingdom of Sweden (1)

(Failure by a Member State to fulfil its obligations — Directive 93/13/EEC — Unfair terms in consumer contracts — Obligation to reproduce in national legislation the list of terms which may be regarded as unfair contained in the annex to Directive 93/13)

(2002/C 144/05)

(Language of the case: Swedish)

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

In Case C-478/99, Commission of the European Communities (Agents: L. Parpala and P. Stancanelli) v Kingdom of Sweden (Agents: L. Nordling and A. Kruse), supported by Kingdom of Denmark (Agent: J. Molde), and by Republic of Finland (Agents: T. Pynnä and E. Bygglin): Application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to implement in its national legal system the annex referred to in Article 3(3) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29), the Kingdom of Sweden has failed to fulfil its obligations under that directive, the Court (Fifth Chamber), composed of: P. Jann (Rapporteur), President of the Chamber, D. A. O. Edward and M. Wathelet, Judges; L. A. Geelhoed, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 7 May 2002, in which it:

1. *Dismisses the application;*

2. *Orders the Commission of the European Communities to pay the costs;*

3. *Orders the Kingdom of Denmark and the Republic of Finland to bear their own costs.*

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(1) OJ C 63 of 4.3.2000.

JUDGMENT OF THE COURT

(Sixth Chamber)

18 April 2002

in Case C-9/00 (Reference for a preliminary ruling from the Korkein hallinto-oikeus): Palin Granit Oy v Vehmassalon kansanterveystyön kuntayhtymän hallitus (1)

(Harmonisation of laws — Directives 75/442/EEC and 91/156/EEC — Concept of 'waste' — Production residue — Quarry — Storage — Use of waste — No risk to health or the environment — Possibility of recovery of waste)

(2002/C 144/06)

(Language of the case: Finnish)

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

In Case C-9/00: Reference to the Court under Article 234 EC by the Korkein hallinto-oikeus (Finland) for a preliminary ruling in the proceedings pending before that court instituted by Palin Granit Oy and Vehmassalon kansanterveystyön kuntayhtymän hallitus, on the interpretation of Article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32), the Court (Sixth Chamber), composed of: F. Macken, President of the Chamber, J.-P. Puissochet (Rapporteur), R. Schintgen, V. Skouris and J. N. Cunha Rodrigues, Judges; F. G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 18 April 2002, in which it has ruled:

1. *The holder of leftover stone resulting from stone quarrying which is stored for an indefinite length of time to await possible use discards or intends to discard that leftover stone, which is*