

(England & Wales) (Civil Division) dated 5 July 2002, which was received at the Court Registry on 31 July 2002, for a preliminary ruling in the case of Andrew Owusu and 1) N. B. Jackson (trading as Villa Holidays Bal-Inn Villas), 2) Mammee Bay Resorts Ltd, 3) Mammee Bay Club Ltd, 4) The Enchanted Garden Resorts & Spa Ltd, 5) Consulting Services Ltd, 6) Town & Country Resorts Ltd, on the following questions:

- (1) Is it inconsistent with the Brussels Convention on Jurisdiction and the Enforcement of Judgments 1968, where a Claimant contends that jurisdiction is founded on Article 2, for a court of a Contracting State to exercise a discretionary power, available under its national law, to decline to hear proceedings brought against a person domiciled in that State in favour of the courts of a non-Contracting State:
 - (a) if the jurisdiction of no other Contracting State under the 1968 Convention is in issue;
 - (b) if the proceedings have no other connecting factors to any other Contracting State?
- (2) If the answer to question (1)(a) or (1)(b) is yes, is it consistent in all the circumstances or only in some and if so in which?

Action brought on 25 July 2002 by the Italian Republic against the Commission of the European Communities

(Case C-283/02)

(2002/C 233/27)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 25 July 2002 by the Italian Republic, represented by U. Leanza, acting as Agent and M. Fiorilli, avvocato dello Stato.

The applicant claims that the Court should:

- annul Article 24 and, to the extent of the complaints advanced to that effect, Annexes A and B of Commission Regulation (EC) No 753/2002⁽¹⁾ of 29 April 2002.

Pleas in law and main arguments

The Italian Government claims that, by adopting the contested implementing regulation, the Commission has, *de iure*, accorded limited and inconsistent protection to 'traditional terms', in particular to Italian 'traditional terms', contrary to the guiding principles of the rules in the sector, as clarified in the preamble to Council Regulation (EC) No 1493/1999⁽²⁾. This has not only prejudiced the efforts directed towards the reclassification of Community produce, but also the interests of producers and consumers, as recognised by the Treaty, the protection of which constitutes the purpose of the common agricultural policy and of free competition.

⁽¹⁾ OJ 2002 L 118, p. 1. Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ L 118, 4.5.2002, p. 1).

⁽²⁾ OJ 1999 L 179, p. 1. Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine.

Action brought on 9 August 2002 by the Kingdom of Spain against the Commission of the European Communities

(Case C-287/02)

(2002/C 233/28)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 9 August 2002 by the Kingdom of Spain represented by Lourdes Fraguas Gadea, Abogada del Estado, with an address for service in Luxembourg at the Spanish Embassy, 4 - 6 Boulevard Emmanuel Servais.

The applicant claims that the Court should:

- annul the contested decision⁽¹⁾ as regards the financial corrections imposed on the Kingdom of Spain and contested by this action;
- order the Commission to pay the costs.