

M. Wathelet (Rapporteur), President of the Chamber, P. Jann and A. Rosas, Judges; J. Mischo, Advocate General; R. Grass, Registrar, has given a judgment on 7 November 2002, in which it:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative measures necessary to comply with Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market, the Kingdom of Spain has failed to fulfil its obligations under that Directive;
2. Orders the Kingdom of Spain to pay the costs.

(¹) OJ C 317 of 10.11.2001.

ORDER OF THE COURT

(Third Chamber)

of 24 October 2002

in Case C-233/01 (Reference for a preliminary ruling from the Giudice di pace di Palermo): Riunione Adriatica di Sicurtà SpA (RAS) v Dario Lo Bue (¹)

(Article 104(3) of the Rules of Procedure — Directives 73/239/EEC and 92/49/EEC — Freedom to set premium rates — Possibility of relying on a directive against an individual)

(2002/C 323/33)

(Language of the case: Italian)

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

In Case C-233/01: Reference to the Court under Article 234 EC by the Giudice di pace di Palermo (Italy) for a preliminary ruling in the proceedings pending before that court between Riunione Adriatica di Sicurtà SpA (RAS) and Dario Lo Bue, on the interpretation of Article 8(3) of the First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ 1973 L 228, p. 3), in its version resulting from Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) (OJ 1992 L 228, p. 1), and of Articles 29 and 39 of Directive 92/49, the Court (Third Chamber), composed of: J.-P. Puissochet, President of the Chamber, F. Macken and J.N. Cunha Rodrigues (Rapporteur), Judges; S. Alber, Advocate General; R. Grass, Registrar, after informing the national court that the Court proposes to give its decision by reasoned order pursuant to Article 104(3) of its Rules of Procedure, after inviting the interested parties referred to in Article 20 of the EC Statute of the Court of Justice to submit any observations they might have in that regard, has made an order on 24 October 2002, the operative part of which is as follows:

A directive may not, of itself, impose obligations on a private individual and may not therefore be relied on as such against such a person.

(¹) OJ C 245 of 1.9.2001.

ORDER OF THE COURT

(Fifth Chamber)

of 3 October 2002

in Case C-273/01 (reference for a preliminary ruling from the Tribunale di Bari): Walter Ferro v Giovanni Santoro (¹)

(Article 104(3) of the Rules of Procedure — Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents — Applicability to brokers)

(2002/C 323/34)

(Language of the case: Italian)

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

In Case C-273/01: reference to the Court under Article 234 EC from the Tribunale di Bari (Italy) for a preliminary ruling in the proceedings pending before that court between Walter Ferro and Giovanni Santoro — on the interpretation of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ 1986 L 382, p. 17) — the Court (Fifth Chamber), composed of: P. Jann (Rapporteur), President of the Chamber, D.A.O. Edward, A. La Pergola, M. Wathelet and A. Rosas, Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, has made an order in which it has ruled:

The provisions of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents must be interpreted as meaning that they do not apply to national legislation which makes the entitlement of brokers to remuneration conditional upon the name of the broker being entered in a register established for that purpose.

(¹) OJ C 289 of 13.10.2001.