

Pursuant to Article 6(3) of the Protocol, the discharge into the lake of the substances referred to in Article 6(1) is subject to two, cumulative conditions: first, there must be a discharge authorisation issued by the competent national authorities and, secondly, that authorisation must take due account of all the relevant provisions of Annex III to the Protocol. The French Republic has failed to comply with either of those two conditions.

⁽¹⁾ OJ L 67 of 12.03.1983, p. 3.

⁽²⁾ Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention), OJ L 240 of 19.9.1977, p. 3.

⁽³⁾ Council Decision of 25 July 1977 concluding the Convention for the protection of the Mediterranean Sea against pollution and the Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft (OJ L 240 of 19.09.1977, p. 1).

⁽⁴⁾ Council Decision of 28 February 1983 concluding the Protocol for the protection of the Mediterranean Sea against pollution from land-based sources (OJ L 67 of 12.03.1983, p. 1).

Reference for a preliminary ruling by the Cour administrative by order of that Court of 3 June 2003 in the case of Minister for Finance against Jean-Claude Weidert and Elisabeth Paulus

(Case C-242/03)

(2003/C 184/42)

Reference has been made to the Court of Justice of the European Communities by order of the Cour administrative (Higher Administrative Court) of 3 June 2003, received at the Court Registry on 6 June 2003, for a preliminary ruling in the case of Minister for Finance against Jean-Claude Weidert and Elisabeth Paulus on the following question:

Is Article 129c of the Law of 4 December 1967 on income tax, as amended, in the version applicable to the 2000 tax year, which, subject to certain conditions and limits, grants tax relief to taxpayers who are natural persons and acquire shares representing cash contributions in fully-taxable resident capital companies, compatible with the principle of the free movement of capital within the European Community as laid down by Article 56(1) of the EC Treaty, taking account of the restrictions on that principle laid down *inter alia* by Article 58(1)(a) of the EC Treaty?

Action brought on 6 June 2003 by the Commission of the European Communities against the Hellenic Republic

(Case C-246/03)

(2003/C 184/43)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 6 June 2003 by the Commission of the European Communities, represented by Minas Konstantinidis, of its Legal Service.

The Commission claims that the Court should:

- declare that, by failing to adopt and, in any event, to notify to the Commission the laws, regulations and administrative provisions necessary to comply with Directive 2000/53/EC ⁽¹⁾ of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles, the Hellenic Republic has failed to fulfil its obligations under 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.

It is not disputed by the Hellenic Republic that it must adopt measures to comply with the abovementioned directive.

The Commission records that until now the Hellenic Republic has not adopted the appropriate measures for the full incorporation of the directive at issue into Greek law.

⁽¹⁾ OJ L 269, 21.10.2000, p. 34.

Action brought on 6 June 2003 by the Commission of the European Communities against the Hellenic Republic

(Case C-247/03)

(2003/C 184/44)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 6 June 2003 by the Commission of the European Communities, represented by Michel van Beek, Legal Adviser, and Minas Konstantinidis, of its Legal Service.