

2. order the Kingdom of Belgium to pay the costs.

Furthermore, and in any event, those conditions are disproportionate. Therefore, the need to protect the consumer and fair trading can no longer be relied upon.

Pleas in law and main arguments

Application of the conditions as to 'similarity' and being the same vendor, as referred to by the Belgian Law on commercial practice and consumer information and protection, in so far as concerns the operation of a customer loyalty scheme as a cross-border provision of services, produces arbitrary or even discriminatory effects, because the conditions are very widely avoided in practice by undertakings established in Belgium having their own distribution network with points of sale.

Removal from the register of Case C-193/02 ⁽¹⁾

(2003/C 200/37)

By order of 4 March 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-193/02: Kingdom of the Netherlands v Commission of the European Communities.

⁽¹⁾ OJ C 191 of 10.08.2002.
