

*Pleas in law and main arguments*

The appellants plead that the Court erred in finding that the damage which they alleged arose from the fact of not managing to import ACP bananas. In truth, the appellants were complaining that in 1999 and 2000 they had not obtained certificates to import bananas from non-member countries despite their right to do so under their reference quantity based exclusively on imports of bananas from non-member countries. The appellants submit that the Court failed to take account of their arguments in support of their application for damages.

**Reference for a preliminary ruling by the Conseil d'État, Section d'Administration by judgment of that Court of 27 June 2003 in the case of Société Anonyme Glaxo-SmithKline against Belgian State**

(Case C-296/03)

(2003/C 213/34)

Reference has been made to the Court of Justice of the European Communities by judgment of the Conseil d'État, Section d'Administration (Council of State, Administrative Section) of 27 June 2003, received at the Court Registry on 8 July 2003, for a preliminary ruling in the case of Société Anonyme GlaxoSmithKline against Belgian State on the following question:

Must the time-limit of 90 days, which may be extended for a further 90 days, referred to in the first subparagraph of Article 6(1) of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems<sup>(1)</sup> be considered to be a strict time-limit precluding, upon expiry, the adoption of any decision, even where an initial decision adopted timeously has been annulled?

<sup>(1)</sup> OJ L 40 of 11.02.1989, p. 8.

**Action brought on 10 July 2003 by the Commission of the European Communities against the Kingdom of Spain**

(Case C-298/03)

(2003/C 213/35)

An action against the Kingdom of Spain was brought before the Court of Justice of the European Communities on 10 July

2003 by the Commission of the European Communities, represented by M. van Beek and G. Valero Jordana, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. declare that, by failing to bring into force the laws, regulations and administrative provisions needed in order to comply with Council Directive 1999/22/EC<sup>(1)</sup> relating to the keeping of wild animals in zoos or, in any event, by failing to have informed the Commission of any such laws, regulations or administrative provisions, the Kingdom of Spain has failed to fulfil its obligations under that Directive;
2. order the Kingdom of Spain to pay the costs.

*Pleas in law and main arguments*

The period within which the directive was to be incorporated into national law expired on 9 April 2002.

<sup>(1)</sup> OJ L 94 of 9.4.1999, p. 24.

**Action brought on 14 July 2003 by the Commission of the European Communities against the Italian Republic**

(Case C-302/03)

(2003/C 213/36)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 14 July 2003 by the Commission of the European Communities, represented by M. Van Beek and R. Amorosi, acting as Agents.

The applicant claims that the Court should:

- find that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 1999/22/EC<sup>(1)</sup> of 29 March 1999 relating to the keeping of wild animals in zoos or, in any event, by failing to communicate the same to the Commission the Italian Republic has failed to fulfil its obligations under Article 9 of that directive;