

- order the Italian Republic to pay the costs.

Pleas in law and main arguments

The time-limit for implementing the directive expired on 9 April 2002.

⁽¹⁾ 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-303/03)

(2003/C 213/37)

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. Konstantinidis 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 Directive 2000/53/EC⁽¹⁾ of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles or, in any event, by failing to communicate the same to the Commission, the Italian Republic has failed to fulfil its obligations under Article 10 of that directive;
- order the Italian Republic to pay the costs.

Pleas in law and main arguments

The time-limit for implementing the directive expired on 21 April 2002.

⁽¹⁾ OJ L 269 of 21.10.2000, p. 34.

Action brought on 14 July 2003 by Commission of the European Communities against PROSECOM — Protecção, Segurança e Comunicações, Lda

(Case C-304/03)

(2003/C 213/38)

An action against PROSECOM — Protecção, Segurança e Comunicações, Lda. was brought before the Court of Justice of the European Communities on 14 July 2003 by the Commission of the European Communities, represented by R. Lyal and G. Braga da Cruz, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

- order the defendant to pay to the applicant EUR 111 605,10 (one hundred and eleven thousand six hundred and five euros and ten cents), composed of EUR 88 276 by way of capital, and EUR 23 329,10 by way of interest accrued between 15 November 1998 until 30 June 2003, inclusive, at the rate of 5,50 % (until 31 December 2002) and 7,50 % (from 1 January 2003);
- order the defendant to pay EUR 18,14 (eighteen euros and fourteen cents) per day as interest calculated at the same rate from 1 July 2003, until full payment;
- order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Under the general terms and conditions of the contract, the signatories agreed, in the event that the total financial contribution by the Commission should prove to be less than the payment actually made, to return the difference forthwith to the Commission. By failing to return forthwith the above-mentioned amounts which were given to it by the Commission, the defendant failed to fulfil its obligations under the contract. The total amount of costs accepted by the defendant found by the Commission after an audit was PTE 26 270 857, so that the Commission's contribution was fixed at PTE 13 135 428 (ECU 68 686). In view of the fact that the total received by the defendant was ECU 156 962, the amount overpaid which must be returned by the defendant is ECU 88 276. No payment has been made to date, so that the defendant is still in debt for the full amount. In addition to the

capital sum owed, the defendant also owes interest accrued since the debt came into being and until full payment is made.

Action brought on 22 July 2003 by the Commission of the European Communities against the French Office for the safety of health products

(Case C-308/03)

(2003/C 213/39)

An action against the French Office for the safety of health products (AFSSAPS) was brought before the Court of Justice of the European Communities on 22 July 2003 by the Commission of the European Communities, represented by R. Lyal and C. Giolitto, acting as Agents, with an address for service in Luxembourg.

The Commission of the European Communities claims that the Court should order the defendant;

1. to pay the applicant a sum of EUR 47 218,32 (Forty-seven thousand two hundred and eighteen euros and thirty-two cents) corresponding to EUR 41 000 in respect of the principal and EUR 6 218,32 in respect of accrued interest for delay up to 31 March 2003, at the rate of 5,25 %;
2. to pay EUR 6,74 (Six euros and seventy-four cents) per day in respect of accrued interest, at the same rate, from 1 April 2003 until payment in full;
3. to pay the costs of this case.

Pleas in law and main arguments

The court with jurisdiction in this case is the Court of Justice notwithstanding the wording of the arbitration clause, since that cannot have been intended to change or have the effect of changing the division of jurisdiction between the Court of Justice and the Court of First Instance as provided for by the Treaty.

By refusing to produce the evidence of costs requested by the Commission, the AFSSAPS has failed to fulfil its obligation under the contract concluded pursuant to the provisions of the specific programme for research and development in the field of telematic applications of common interest and is liable to repay the amount of the advance to the Commission.

Action brought on 23 July 2003 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-310/03)

(2003/C 213/40)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 23 July 2003 by the Commission of the European Communities, represented by D. Martin, acting as Agent, with an address for service in Luxembourg.

The Commission of the European Communities claims that the Court should:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees⁽¹⁾, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
- order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of the Directive expired on 1 January 2002.

⁽¹⁾ OJ L 171, 7.7.1999, p. 12.

Action brought on 23 July 2003 by the Commission of the European Communities against the French Republic

(Case C-311/03)

(2003/C 213/41)

An action against the French Republic was brought before the Court of Justice of the European Communities on 23 July 2003 by the Commission of the European Communities, represented by D. Martin, acting as Agent, with an address for service in Luxembourg.