

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.

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 French Republic has failed to fulfil its obligations under that directive;
- order the French Republic 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 Kingdom of Belgium

(Case C-312/03)

(2003/C 213/42)

An action against the Kingdom of Belgium 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 Kingdom of Belgium has failed to fulfil its obligations under that directive;
- order the Kingdom of Belgium 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 Grand Duchy of Luxembourg

(Case C-314/03)

(2003/C 213/43)

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 G. Rozet, acting as Agent, with an address for service in Luxembourg.

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

- declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Commission Directive 2000/52/EC of 26 July 2000 on the transparency of financial relations between Member States and public undertakings and financial transparency in certain undertakings ⁽¹⁾, and in any event by not notifying the Commission thereof, 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 implementation of the directive expired on 31 July 2001.

⁽¹⁾ OJ 29.7.2000, L 193, p. 75.