

Action brought on 23 July 2003 by the Commission of the European Communities against Huhtamaki Dourdan SA

(Case C-315/03)

(2003/C 213/44)

An action against Huhtamaki Dourdan SA was brought before the Court of Justice of the European Communities on 23 July 2003 by the Commission of the European Communities, represented by C. Giolito, acting as Agent, 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 162 342,42 (One hundred and sixty-two thousand three hundred and forty-two euros and forty-two cents) corresponding to EUR 151 433,47 in respect of the principal and to EUR 10 808,95 in respect of accrued interest for delay up to 6 June 2003;
2. to pay EUR 28,27 (Twenty-eight euros and twenty-seven cents) per day in respect of interest accrued at the same rate from 6 June 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.

In refusing to produce the evidence of costs requested by the Commission, the defendant 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 industrial and materials technologies and is liable to repay the amount of the advance to the Commission.

Action brought on 24 July 2003 by the Commission of the European Communities against Ireland

(Case C-322/03)

(2003/C 213/45)

An action against Ireland was brought before the Court of Justice of the European Communities on 24 July 2003 by the Commission of the European Communities, represented by Nicola Yerrell, acting as agent, with an address for service in Luxembourg.

The Applicant claims that the Court should:

- a) find that Ireland has failed its obligations under the EC Treaty by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 1999/63/EC of 21st June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) ⁽¹⁾, or by failing to ensure that management and labour have introduced the necessary measures by agreement, and/or by failing to inform the Commission thereof; and
- b) condemn Ireland to bear the costs of the procedure.

Pleas in law and main arguments

The period within which the directive had to be transposed expired on 30 June 2002.

⁽¹⁾ OJ L 167, 02.07.1999, p. 33.

Action brought on 28 July 2003 by the Commission of the European Communities against the French Republic

(Case C-331/03)

(2003/C 213/46)

An action against the French Republic was brought before the Court of Justice of the European Communities on 28 July 2003 by the Commission of the European Communities, represented by M. Konstantinidis and F. Simonetti, acting as Agents, with an address for service in Luxembourg.