

There has been a failure to give sufficient reasons for the disputed directive, as the justification for using Article 57 of the Act of Accession 2003 as a legal basis is not in any way apparent from the recitals in the preamble to and the other provisions of the directive.

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<sup>(1)</sup> OJ L 236 of 7.7.2004, p. 10.

### **Action brought on 27 September 2004 by the European Parliament against the Council of the European Union**

**(Case C-414/04)**

(2004/C 273/47)

An action against the Council of the European Union was brought before the Court of Justice of the European Communities on 27 September 2004 by the European Parliament, represented by A. Baas and U. Rösslein, lawyers, with an address for service in Luxembourg.

The European Parliament claims that the Court should:

- annul Council Regulation (EC) No 1223/2004 of 28 June 2004 amending Regulation (EC) No 1228/2003 of the European Parliament and of the Council as regards the date of application of certain provisions to Slovenia <sup>(1)</sup>;
- order the Council to pay the costs.

*Pleas in law and main arguments:*

Article 57 of the 2003 Act of Accession is not the appropriate legal basis for the adoption of the contested regulation. The purpose of that provision is to adapt the Community legislation to the accession and to make Community acts which have not been adapted by the act of accession itself applicable to the new Member States. Accordingly, other amendments cannot be based on Article 57 of the Act. That provision cannot be used to introduce derogations from Community acts.

The disputed regulation does not contain a sufficient statement of reasons, since the use of Article 57 of the 2003 Act of Accession as a legal basis is not sufficiently clear from the recitals and other provisions of that regulation.

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<sup>(1)</sup> OJ L 233 of 2.7.2004, p. 3.

### **Removal from the register of Case C-13/02 <sup>(1)</sup>**

(2004/C 273/48)

By order of 22 July 2004 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-13/02 (reference for a preliminary ruling from the Tribunale Amministrative Regionale per la Lombardia, Sezione staccata di Brescia): Casaria Bresciana Ca.Bre.Soc.Coop.a.r.l. and Other v A.I.M.A. (Azienda di Stato per gli interventi nel mercato agricolo).

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<sup>(1)</sup> OJ C 68 of 16.3.2002.

### **Removal from the register of Case C-81/02 <sup>(1)</sup>**

(2004/C 273/49)

By order of 28 July 2004 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-81/02 (reference for a preliminary ruling from the Oberster Gerichtshof): Wolfgang Rohringer en qualité de syndic faillite dans la procédure de liquidation des biens de la société Eurokeramik GmbH & Co. KG v Gemeinnützige Salzburger Wohnbaugesellschaft mbH.

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<sup>(1)</sup> OJ C 144 of 15.6.2002.

### **Removal from the register of Case C-197/02 <sup>(1)</sup>**

(2004/C 273/50)

By order of 29 July 2004 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-197/02: Commission of the European Communities v Kingdom of Spain.

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<sup>(1)</sup> OJ C 191 of 10.8.2002.