

The Commission therefore considers that the Hellenic Republic is in infringement of its obligations under Articles 28, 43 and 49 of the EC Treaty and Article 8 of Directive 98/34/EC.

(¹) OJ L 204 of 21.07.98, p. 37.

Action brought on 11 February 2005 by the Commission of the European Communities against the Federal Republic of Germany

(Case C-67/05)

(2005/C 82/44)

(Language of the case: German)

An action against the Federal Republic of Germany was brought before the Court of Justice of the European Communities on 11 February 2005 by the Commission of the European Communities, represented by Ulrich Wölker and Sara Pardo Quintillan, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to give effect to Directive 2000/60/EC of the European Parliament and the Council (¹) of 23 October 2000 establishing a framework for Community action in the field of water policy, or to inform the Commission thereof, the Federal Republic of Germany has failed to fulfil its obligations under that directive;
2. order the Federal Republic of Germany to pay the costs.

Pleas in law and main arguments

The period for transposition of Directive 2000/60/EC expired on 22 December 2003.

(¹) OJ 2000 L 327, p. 1.

Appeal brought on 11 February 2005 by Koninklijke Coöperatie Cosun U.A. against the judgment delivered on 7 December 2004 by the Court of First Instance (Fifth Chamber) in Case T-240/02 Koninklijke Coöperatie Cosun U.A. v Commission of the European Communities

(Case C-68/05 P)

(2005/C 82/45)

(Language of the case: Dutch)

An appeal against the judgment delivered on 7 December 2004 by the Court of First Instance (Fifth Chamber) in Case T-240/02, Koninklijke Coöperatie Cosun U.A. v Commission of the European Communities, was brought before the Court of Justice of the European Communities on 11 February 2005 by Koninklijke Coöperatie Cosun U.A., represented by M. Slotboom and N.J. Helder, advocates.

The appellant claims that the Court should:

- Annul the contested judgment;
- Determine the dispute itself by setting aside the contested decision;
- In the alternative, refer the case back to the Court of First Instance;

and order the Commission to pay the costs, at both first instance and on appeal.

Pleas in law and main arguments

First plea

Infringement of Community law by virtue of the fact that the Court of First Instance held that the levy on non-exported C-sugar is not an import or export duty for the purposes of Article 13 of Regulation No 1430/79.

Second alternative plea

The Court of First Instance disregarded the fact that the levy on non-exported C-sugar must indeed be treated as an import duty for the purposes of Regulation No 1430/79.

That plea is subdivided into the following limbs:

- A. The Court of First Instance disregarded the fact that the levy on non-exported C-sugar must be regarded as a customs duty because it pursues the same objective as a customs duty.
- B. The Court of First Instance disregarded the fact that the manner of establishing the level of the levy on non-exported C-sugar indicates that the levy must be regarded as a customs duty.
- C. The Court of First Instance disregarded the fact that the manner of establishing the amount to be levied on non-exported C-sugar indicates that the levy must be regarded as a customs duty.

Third alternative plea

In dealing with the second and third pleas put forward in the alternative by Cosun in its application, the Court of First Instance acted in breach of Community law.

That plea may be subdivided as follows:

- A. In dealing with the second and third pleas put forward in the alternative by Cosun in its application, the Court of First Instance exceeded the bounds of the dispute.
- B. The Court of First Instance unlawfully failed to deal with the third plea put forward by Cosun in its application.

Fourth alternative plea

Infringement of the principles of equal treatment, legal certainty and proportionality.

Action brought on 14 February 2005 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-70/05)

(2005/C 82/46)

(Language of the case: French)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 14 February 2005 by the Commission of the European Communities, represented by Denis Martin, of its Legal Service.

The Commission claims that the Court should:

1. Declare that by not having adopted the laws, regulations and administrative measures necessary to comply with Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽¹⁾, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
2. order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the directive into domestic law expired on 2 December 2003.

⁽¹⁾ OJ L 303 of 2 December 2000, p. 16.

Action brought on 14 February 2005 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-71/05)

(2005/C 82/47)

(Language of the case: French)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 14 February 2005 by the Commission of the European Communities, represented by Mikko Huttunen, acting as Agent, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that, by failing to adopt, and in any event to notify to the Commission, the laws, regulations and administrative provisions necessary to comply with Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports, ⁽¹⁾ the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
2. order the Grand Duchy of Luxembourg to pay the costs.