

**Form of order sought**

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC<sup>(1)</sup> or, in any event, by failing to communicate those provisions to the Commission, the Grand-Duchy of Luxembourg has failed to fulfil its obligations under Article 21(1) of that Directive;

— order the Grand-Duchy of Luxembourg to pay the costs.

**Pleas in law and main arguments**

The time-limit for implementing Directive 2002/65/EC expired on 9 October 2004.

<sup>(1)</sup> OJ 2002 L 271, p.16

**Action brought on 3 March 2006 — Commission of the European Communities v Grand-Duchy of Luxembourg**

(Case C-128/06)

(2006/C 108/15)

*Language of the case: French*

**Parties**

*Applicant:* Commission of the European Communities (represented by: D. Maidani and G. Braun, Agents)

*Defendant:* Grand-Duchy of Luxembourg

**Form of order sought**

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2003/124/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the definition and public disclosure of inside information and the definition of market manipulation<sup>(1)</sup> and, in any event, by failing to communicate them to the Commission, 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 implementing Directive 2003/124/EC expired on 12 October 2004.

<sup>(1)</sup> OJ 2003 L 339, p.70

**Appeal brought on 4 March 2006 by Autosalone Ispra Snc against the judgment delivered on 30 November 2005 in Case T-250/02 Autosalone Ispra Snc v European Atomic Energy Community**

(Case C-129/06 P)

(2006/C 108/16)

*Language of the case: Italian*

**Parties**

*Appellant:* Autosalone Ispra Snc (represented by: B. Casu, Avvocato)

*Other party to the proceedings:* European Atomic Energy Community, represented by the Commission of the European Communities; Agent: E. de March, assisted by A. Dal Ferro, Avvocato.

**Form of order sought**

— Declare that the appeal is admissible

— Set aside the judgment of the Court of First Instance of the European Communities in Case T-250/02

— Order that Case T-250/02 be referred back to the Court of First Instance so that, once appropriate measures of inquiry have been made, including those made by the court of its own motion, such as the taking of expert evidence, on the spot checks and the hearing of witnesses, the court may deliver a new judgment granting the forms of order sought by the appellant in its pleadings in the proceedings at first instance

— Order the Commission to pay all the costs of the proceedings, including those incurred at first instance