

Operative part of the judgement

The Court:

1. Declares that, by failing to ensure transposition by Åland of Article 8a of Directive 89/622/EEC of 13 November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products, as amended by Council Directive 92/41/EEC of 15 May 1992, amended by Article 8 of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, and observance on vessels registered in Finland of the prohibition on placing on the market of snuff laid down by that provision, the Republic of Finland has failed to fulfil its obligations under the EC Treaty and Directive 2001/37;

2. Orders the Republic of Finland to pay the costs.

(¹) OJ C 281, 12.11.2005.

Order of the Court (Second Chamber) of 4 May 2006 — (references for a preliminary ruling from the Tribunale ordinario di Milano and the Tribunale ordinario di Torino (Italy)) — Criminal proceedings against Michel Mulliez and Others and Giuseppe Momblano (Joined Cases C-23/03 and C-52/03), Alessandro Nizza and Giacomo Pizzi (C-133/03), Fabrizio Barra (C-337/03), Adelio Aggio and Others (C-473/03)

(Joined Cases C-23/03, C-52/03, C-133/03, C-337/03 and C-473/03) (¹)

(First subparagraph of Article 104(3) of the Rules of Procedure — Company law — First Directive 68/151/EEC, Fourth Directive 78/660/EEC and Seventh Directive 83/349/EEC — Annual accounts — Principle of a true and fair view — Penalties provided for in cases of false information on companies (false accounting) — Article 6 of First Directive 68/151/EEC — Requirement that penalties for breaches of Community law be appropriate)

(2006/C 178/17)

Language of the case: Italian

Referring courts

Tribunale ordinario di Milano, Tribunale ordinario di Torino

Criminal proceedings against

Michel Mulliez, Patrick Lesaffre, Peter Hordijk, Michel Hoste, Christophe Dubrulle, Benoit Lheureux, Guy Geffroy, Gregory

Sartorius and Giuseppe Momblano (Joined Cases C-23/03 and C-52/03), Alessandro Nizza and Giacomo Pizzi (C-133/03), Fabrizio Barra (C-337/03), Adelio Aggio and Others (C-473/03)

Re:

References for a preliminary ruling — Tribunale ordinario di Milano, Tribunale ordinario di Torino — Interpretation of Article 6 of First Council Directive 68/151/EEC of 9 March 1968 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community (OJ L 65, p. 8) — Annual accounts — Offences of failure to publish, and publication of false information — Appropriate penalties

Operative part of the order

In situations such as those in issue in the main proceedings, First Council Directive 68/151/EEC of 9 March 1968 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community, cannot be relied on as such against accused persons by the authorities of a Member State within the context of criminal proceedings, in view of the fact that a directive cannot, of itself and independently of national legislation adopted by a Member State for its implementation, have the effect of determining or increasing the criminal liability of those accused persons.

(¹) OJ C 70, 22.3.2003.

Order of the Court of 30 March 2006 — Strintzis Lines Shipping SA v Commission of the European Communities

(Case C-110/04 P) (¹)

(Appeal — Article 85(1) of the EC Treaty (now Article 81(1) EC) — Competition — Concerted practices — Agreement between undertakings — Commission's powers of investigation)

(2006/C 178/18)

Language of the case: Greek

Parties

Applicant: Strintzis Lines Shipping SA (represented by: A. Kalo-geropoulos, K. Adamantopoulos, M. Nissen and E. Petritsi, lawyers)