

be established, the Court of First Instance erred by classifying the agreement as anti-competitive, without examining the general legal and economic background to it and its possible effects and, fifth, breach of the duty to state reasons and contradiction in the grounds of the contested judgment in that account was taken of the turnover of the appellant's members, and not that of the appellant itself, in order to ascertain whether the ceiling of 10 % of turnover referred to in Article 15(2) of Regulation No 17 had been exceeded.

By its sixth ground of appeal which seeks, in the alternative, to obtain a reduction of the fine imposed on it, the appellant argues that if the Court rejects the preceding grounds of appeal it is appropriate, in any event, to reduce the amount of the fine imposed in so far it corresponds not to 10 % but 20 % of its turnover, which contrary to the wording of Article 15(2) of Regulation No 17.

Reference for a preliminary ruling from the Rechtbank van eerste aanleg te Antwerpen (Belgium) lodged on 22 February 2007 — N.V. Lammers & Van Cleeff v Belgische Staat

(Case C-105/07)

(2007/C 95/47)

Language of the case: Dutch

Referring court

Rechtbank van eerste aanleg te Antwerpen

Parties to the main proceedings

Applicant: N.V. Lammers & Van Cleeff

Defendant: Belgische Staat

Question referred

Do Articles 12, 43, 46, 48, 56 and 58 EC preclude Belgian national statutory rules, as set out in the then applicable Articles 18(1), point 3, and 18(2), point 3, of the WIB92, whereby interest payments were not classified as dividends and were therefore not taxable if those interest payments were made to a director which was a Belgian company, whereas in the same circumstances those interest payments were classified as dividends, and therefore taxable, if they were made to a director which was a foreign company?

Action brought on 22 February 2007 — Commission of the European Communities v French Republic

(Case C-106/07)

(2007/C 95/48)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: A. Bordes and K. Simonsson, Agents)

Defendant: French Republic

Form of order sought

— declare that, by still not having drawn up, for many French ports, the waste reception and handling plans provided for in Article 5 of Directive 2000/59/EC ⁽¹⁾, or in any event by failing to inform the Commission of their existence and their implementation, the French Republic has failed to fulfil its obligations under Articles 5(1) and 16(1) of that directive;

— order the French Republic to pay the costs.

Pleas in law and main arguments

The period for transposition of Directive 2000/59/EC expired on 27 December 2002.

⁽¹⁾ Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ 2000 L 332, p. 81).

Appeal brought on 13 February 2007 against the judgment of the Court of First Instance (Second Chamber) delivered on 11 December 2006 in Case T-290/05 Friedrich Weber v Commission of the European Communities

(Case C-107/07 P)

(2007/C 95/49)

Language of the case: German

Parties

Appellant: Friedrich Weber (represented by: W. Declair, Rechtsanwalt)

Other party to the proceedings: Commission of the European Communities