

No L 310, 14. 12. 1993, p. 44) — the Court (Sixth Chamber), composed of: J. L. Murray, President of the Fourth Chamber, acting as President of the Sixth Chamber, C. N. Kakouris, P. J. G. Kapteyn, G. Hirsch (Rapporteur) and H. Ragnemalm, Judges; G. Tesauro, Advocate-General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 29 May 1997, in which it:

1. *dismisses the application;*
2. *orders the French Republic to pay the costs.*

(<sup>1</sup>) OJ No C 103, 11. 4. 1994.

#### JUDGMENT OF THE COURT

(Fifth Chamber)

of 29 May 1997

in Case C-299/95 (reference for a preliminary ruling from the Oberster Gerichtshof): Friedrich Kremzow, Wilfried Weh, intervening v. Republik Österreich (<sup>1</sup>)

*(Article 164 of the EC Treaty — European Convention on Human Rights — Deprivation of liberty — Right to a fair trial — Effects of a judgment of the European Court of Human Rights)*

(97/C 212/03)

*(Language of the case: German)*

*(Provisional translation; the definitive translation will be published in the European Court Reports)*

In Case C-299/95: reference to the Court pursuant to Article 177 of the EC Treaty from the Oberster Gerichtshof (Supreme Court) (Austria), for a preliminary ruling in the proceedings pending before that court between Friedrich Kremzow, Wilfried Weh, intervening and Republik Österreich — on the interpretation of Article 164 of the EC Treaty and a number of provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms — the Court (Fifth Chamber), composed of: J. C. Moitinho de Almeida (Rapporteur), President of the Chamber, C. Gulmann, D. A. O. Edward, J.-P. Puissochet and P. Jann, Judges; A. La Pergola, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 29 May 1997, in which it has ruled:

*Where national legislation is concerned with a situation which, as in the case at issue in the main proceedings, does not fall within the field of application of Community law, the Court cannot, in a reference for a preliminary*

*ruling, give the interpretative guidance necessary for the national court to determine whether that national legislation is in conformity with the fundamental rights whose observance the Court ensures, such as those deriving in particular from the Convention for the Protection of Human Rights and Fundamental Freedoms.*

(<sup>1</sup>) OJ No C 299, 11. 11. 1995.

#### JUDGMENT OF THE COURT

(Fifth Chamber)

of 29 May 1997

in Case C-300/95: Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Article 7 (e) of Directive 85/374/EEC — Incorrect implementation — Defence precluding liability for defective products — State of scientific and technical knowledge)*

(97/C 212/04)

*(Language of the case: English)*

In Case C-300/95: Commission of the European Communities (Agent: Peter Oliver, assisted by Mark Mildred, Solicitor) against United Kingdom of Great Britain and Northern Ireland (Agent: John E. Collins, assisted by K. Paul E. Lasok, QC) — application for a declaration that, by failing to take all the measures necessary to implement Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ No L 210, 7. 8. 1985, p. 29), in particular Article 7 (e) thereof, the United Kingdom has failed to fulfil its obligations under that Directive and under the EC Treaty — the Court (Fifth Chamber) composed of: J. C. Moitinho de Almeida, President of the Chamber, C. Gulmann, D. A. O. Edward, J.-P. Puissochet and M. Wathelet (Rapporteur), Judges; G. Tesauro, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 29 May 1997, in which it:

1. *dismissed the application;*
2. *ordered the Commission to pay the costs.*

(<sup>1</sup>) OJ No C 286, 28. 10. 1995.