

JUDGMENT OF THE COURT

(Grand Chamber)

of 1 March 2005

in Case C-377/02: Reference for a preliminary ruling from the Raad van State (Belgium) in *Léon Van Parys NV v Belgisch Interventie- en Restitutiebureau (BIRB)* ⁽¹⁾

(Common organisation of the markets — Bananas — GATT 1994 — Articles I and XIII — Framework agreement of 23 April 1993 between the EEC and the Cartagena Group — Direct effect — Recommendations and decisions of the WTO Dispute Settlement Body — Legal effects)

(2005/C 106/06)

(Language of the case: Dutch)

In Case C-377/02: reference for a preliminary ruling under Article 234 EC from the Raad van State (Belgium), made by decision of 7 October 2002, received at the Court on 21 October 2002, in the proceedings between *Léon Van Parys NV* and *Belgisch Interventie- en Restitutiebureau (BIRB)* — the Court: (Grand Chamber) composed of V. Skouris, President, P. Jann, C.W.A. Timmermans and A. Borg Barthet, Presidents of Chambers, J.-P. Puissechot, R. Schintgen (Rapporteur), N. Colneric, S. von Bahr, G. Arestis, M. Ilešič, J. Malenovský, J. Klučka and U. Lohmus, Judges; A. Tizzano, Advocate General, M.-F. Contet, Principal Administrator, for the Registrar, gave a judgment on 1 March 2005, in which it ruled:

In circumstances such as those in the main proceedings, an operator may not rely in proceedings before a national court on the fact that Community legislation is incompatible with certain rules of the World Trade Organisation even where the Dispute Settlement Body referred to in Article 2(1) of the Understanding on rules and procedures governing the settlement of disputes, which forms Annex 2 to the Agreement establishing the World Trade Organisation, approved by Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994), has declared that legislation to be incompatible with those rules.

⁽¹⁾ OJ C 7 of 11.01.2003.

JUDGMENT OF THE COURT

(Grand Chamber)

of 15 February 2005

in Case C-13/03 P: Commission of the European Communities v Tetra Laval BV ⁽¹⁾

(Appeal — Competition — Regulation (EEC) No 4064/89 — Judgment holding that a decision ordering a separation of undertakings is illegal as a result of the illegality of an earlier decision declaring a merger incompatible with the common market)

(2005/C 106/07)

(Language of the case: English)

In Case C-13/03 P: appeal under Article 49 of the EC Statute of the Court of Justice lodged on 8 January 2003 by Commission of the European Communities (Agents: M. Petite, A. Whelan and P. Hellström), the other party to the proceedings being Tetra Laval BV established in Amsterdam (Netherlands) (represented by A. Vandencastele and D. Waelbroeck, M. Johnsson, A. Weitbrecht and S. Völcker) — the Court (Grand Chamber), composed of P. Jann, President of the First Chamber (acting as President), C.W.A. Timmermans and A. Rosas (Rapporteur), Presidents of Chambers, C. Gulmann, J.-P. Puissechot, R. Schintgen, N. Colneric, S. von Bahr and J.N. Cunha Rodrigues, Judges; A. Tizzano, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, gave a judgment on 15 February 2005, in which it:

1. Declares that there is no need to give a ruling on the appeal;
2. Orders the Commission of the European Communities to pay the costs.

⁽¹⁾ OJ C 70 of 22.03.2003.