

Pleas in law and main arguments

This appeal is based on a single plea: infringement by the CFI of Community law in paragraphs 26 to 48 of the judgment under appeal. In particular, the appellant takes the view that the CFI incorrectly interpreted the term 'circumstances arising from work done for another State' used in the second indent of Article 4(1)(a) of Annex VII of the Staff Regulations.

Appeal brought on 9 January 2006 by Rafael De Bustamante Tello against the judgment of the Court of First Instance (First Chamber) of 25 October 2005 in Case T-368/03 Rafael De Bustamante Tello v Council of the European Union

(Case C-10/06 P)

(2006/C 60/52)

(Language of the case: Spanish)

An appeal against the judgment of the Court of First Instance (First Chamber) of 25 October 2005 in Case T-368/03 *Rafael De Bustamante Tello v Council of the European Union* was brought before the Court of Justice of the European Communities on 9 January 2006 by Rafael De Bustamante Tello, represented by R. García-Gallardo Gil-Fournier, D. Domínguez Pérez and A. Sayagués Torres, lawyers.

The applicant claims that the Court of Justice should:

- (1) Declare this appeal admissible;
- (2) Annul the judgment of the First Chamber of the Court of First Instance of 25 October 2005;
- (3) Order the Council to pay all the costs of the proceedings before the Court of Justice and of those before the Court of First Instance.

Pleas in law and main arguments

This appeal is based on a single plea: infringement by the CFI of Community law in paragraphs 24 to 45 of the judgment under appeal. In particular, the appellant takes the view that the CFI incorrectly interpreted the term 'circumstances arising from work done for another State' used in the second indent of Article 4(1)(a) of Annex VII of the Staff Regulations.

Action brought on 17 January 2006 by the Commission of the European Communities against the French Republic

(Case C-18/06)

(2006/C 60/53)

(Language of the case: French)

An action against the French Republic was brought before the Court of Justice of the European Communities on 17 January 2006 by the Commission of the European Communities, represented by Michel Nolin, acting as Agent, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that by not adopting the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks ⁽¹⁾ or, in any event, by not communicating the provisions in question to the Commission, the French Republic has failed to fulfil its obligations under that directive;
2. order the French Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the directive expired on 31 December 2004.

⁽¹⁾ OJ L 313 of 12.10.2004, p. 16.

Action brought on 17 January 2006 by the Commission of the European Communities against the French Republic

(Case C-19/06)

(2006/C 60/54)

(Language of the case: French)

An action against the French Republic was brought before the Court of Justice of the European Communities on 17 January 2006 by the Commission of the European Communities, represented by Michel Nolin, acting as Agent, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that by not adopting the laws, regulations and administrative provisions necessary to comply with Council Directive 2002/89/EC of 28 November 2002 amending Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾ or, in any event, by not communicating the provisions in question to the Commission, the French Republic has failed to fulfil its obligations under that directive;
2. order the French Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of Directive 2002/89 expired on 31 December 2004.

⁽¹⁾ OJ L 355 of 30.12.2002, p. 45.

Action brought on 17 January 2006 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-20/06)

(2006/C 60/55)

(Language of the case: French)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 17 January 2006 by the Commission of the European Communities, represented by Michel Nolin, acting as Agent, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/102/EC of 5 October 2004 amending Annexes II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾ 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 that directive;
2. order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period for transposition of Directive 2004/102 expired on 28 February 2005.

⁽¹⁾ OJ 2004 L 309, p. 9

Action brought on 17 January 2006 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-21/06)

(2006/C 60/56)

(Language of the case: French)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 17 January 2006 by the Commission of the European Communities, represented by Michel Nolin, acting as Agent, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that by not adopting the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks ⁽¹⁾ or, in any event, by not communicating the provisions in question to the Commission, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
2. order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the directive expired on 31 December 2004.

⁽¹⁾ OJ L 313 of 12.10.2004, p. 16.