

Official Journal

of the European Communities

ISSN 0378-6986

C 10

Volume 35

16 January 1992

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	I Information	
	Commission	
92/C 10/01	Ecu.....	1
92/C 10/02	Average prices and representative prices for table wines at the various marketing centres	2
92/C 10/03	Commission communication	3
92/C 10/04	State aid — C 50/83 — Netherlands	3
92/C 10/05	State aid — C 53/91 (N 529/91) — Germany	4
92/C 10/06	Communication of agricultural structure decisions	6
	Court of Justice	
92/C 10/07	Judgment of the Court of 10 December 1991 in Case C-306/89: Commission of the European Communities v. Hellenic Republic (<i>Failure to transpose Council Directive 82/470/EEC — Effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies and in storage and warehousing</i>)	8
92/C 10/08	Judgment of the Court of 10 December 1991 in Case C-179/90: (reference for a preliminary ruling made by the Tribunale di Genova (Italy)): Mercè Convenzionali Porto di Genova SpA v. Siderurgica Gabrielli SpA (<i>Port undertakings — Legal monopoly — Competition rules — Prohibition of discrimination on grounds of nationality — Free movement of goods</i>)	8

<u>Notice No</u>	Contents (continued)	Page
92/C 10/09	Judgment of the Court of 10 December 1991 in Case C-192/90: Commission of the European Communities v. Kingdom of Spain (<i>Failure by a Member State to fulfil its obligations — Containers of liquid for human consumption — Implementation of a directive in national law</i>)	9
92/C 10/10	Judgment of the Court of 10 December 1991 in Case C-19/91: Commission of the European Communities v. Kingdom of Belgium (<i>Failure to fulfil obligations — Failure to implement a judgment of the Court</i>)	9
92/C 10/11	Case C-296/91: Action brought on 25 November 1991 by the Commission of the European Communities against the Kingdom of Belgium	10
92/C 10/12	Case C-297/91: Action brought on 25 November 1991 by the Commission of the European Communities against the Kingdom of Belgium	10
92/C 10/13	Case C-314/91: Action brought on 5 December 1991 by Beate Weber against the European Parliament	11
92/C 10/14	Removal from the Register of Case C-46/91 P	11
92/C 10/15	Removal from the Register of Case C-58/91	11
92/C 10/16	Removal from the Register of Case C-152/90	11

I

(Information)

COMMISSION

Ecu ⁽¹⁾

15 January 1992

(92/C 10/01)

Currency amount for one ecu:

Belgian and Luxembourg franc	41,9828	Portuguese escudo	176,238
German mark	2,03900	United States dollar	1,25942
Dutch guilder	2,29605	Swiss franc	1,80979
Pound sterling	0,715377	Swedish krona	7,42680
Danish krone	7,90475	Norwegian krone	8,01684
French franc	6,95578	Canadian dollar	1,45375
Italian lira	1537,12	Austrian schilling	14,3498
Irish pound	0,765745	Finnish markka	5,54901
Greek drachma	234,693	Japanese yen	161,395
Spanish peseta	129,489	Australian dollar	1,70031
		New Zealand dollar	2,33442

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Average prices and representative prices for table wines at the various marketing centres (*)

(92/C 10/02)

(Established on 14 January 1992 for the application of Article 30 (1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Heraklion	No quotation	Athens	No quotation
Patras	No quotation (†)	Heraklion	No quotation
Requena	No quotation (†)	Patras	No quotation (†)
Reus	No quotation	Alcázar de San Juan	No quotation (†)
Villafranca del Bierzo	No quotation (†)	Almendralejo	No quotation
Bastia	No quotation	Medina del Campo	No quotation (†)
Béziers	3,238	Ribadavia	No quotation
Montpellier	3,242	Villafranca del Penedés	No quotation
Narbonne	3,230	Villar del Arzobispo	No quotation (†)
Nîmes	3,223	Villarrobledo	1,884
Perpignan	3,147	Bordeaux	No quotation
Asti	2,214	Nantes	No quotation
Florence	No quotation	Bari	No quotation
Lecce	No quotation	Cagliari	No quotation
Pescara	No quotation	Chieti	No quotation
Reggio Emilia	No quotation (†)	Ravenna (Lugo, Faenza)	No quotation
Treviso	No quotation	Trapani (Alcamo)	2,157
Verona (for local wines)	No quotation	Treviso	No quotation
Representative price	3,219	Representative price	2,081
R II			
Heraklion	No quotation		
Patras	No quotation		
Calatayud	No quotation		
Falset	No quotation (†)		
Jumilla	No quotation		
Navalcarnero	No quotation (†)		
Requena	2,321		
Toro	No quotation		
Villena	No quotation (†)		
Bastia	2,985		
Brignoles	No quotation		
Bari	No quotation		
Barletta	No quotation		
Cagliari	No quotation		
Lecce	No quotation		
Taranto	No quotation		
Representative price	2,816		
	ECU/hl		
R III		A II	
Rheinpfalz-Rheinessen (Hügelland)	No quotation (†)	Rheinpfalz (Oberhaardt)	51,241
		Rheinhessen (Hügelland)	53,704
		The wine-growing region of the Luxembourg Moselle	No quotation (†)
		Representative price	53,157
		A III	
		Mosel-Rheingau	No quotation
		The wine-growing region of the Luxembourg Moselle	No quotation (†)
		Representative price	No quotation

(*) Since 1 September 1991, the Spanish prices published are to be multiplied by a factor of 1,07 for the ratio between the Community and Spanish guide prices, in accordance with Regulation (EEC) No 481/86 of 25 February 1986.

(†) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

Commission communication

(92/C 10/03)

The Commission states that pursuant to Article 4 (3) of the Seventh Council Directive on aid to shipbuilding ⁽¹⁾ and after consultation with Member States, it has decided for the period from 1 January 1992 to set the common maximum ceiling for operating aid referred to in Articles 4 (1) and 5 (1) of the abovementioned Council Directive at 9 %.

The maximum level of aid permissible for the building of small ships of a contract price of less than ECU 10 million and for ship conversion was, in accordance with Article 4 (2) of the Directive, set at 4,5 %.

⁽¹⁾ OJ No L 380, 31. 12. 1990.

STATE AID

C 50/83

Netherlands

(92/C 10/04)

(Articles 92 to 94 of the Treaty establishing the European Economic Community)

On 25 October 1983, the Commission initiated the procedure provided for in Article 93 (2) of the EEC Treaty in respect of a special tariff charged for natural gas supplies to nitrogenous fertilizer producers and published a notice in *Official Journal of the European Communities* No C 327 of 1 December 1983 calling on interested parties to submit their comments to it.

On 17 April 1984 the Commission decided to terminate the procedure and adopted a decision authorizing the special tariff in question. Essentially, this decision was based on the fact that the Dutch authorities had proposed a new tariff, known as 'Tariff F', to be charged on the abovementioned gas supplies. This tariff was supposed to enable considerable savings in supply to be achieved, justifying the rebate of 5 cents per m³ granted to those qualifying for this tariff as compared with Tariff E charged for gas supplies to other industrial consumers.

In July 1984 a number of French competitors appealed against this decision to the Court of Justice of the European Communities; their appeal culminated in July 1990 in the Court's annulment of the decision to terminate the procedure (Court judgment of 12 July 1990, Case C 169/84). The judgment is based essentially on a report drawn up by experts at the request of the Court. The experts examined the reasons put forward by the Dutch authorities and by Gasunie, the enterprise

which sells gas in the Netherlands, by way of justification of Tariff F and concluded that the savings achieved by Gasunie in supplies charged at the tariff in question amounted at the very most to 0,5 cents per m³. The rebates granted to Tariff F customers therefore had to derive from other considerations. The Court concluded that the Commission had committed a clear error in its assessment of the facts. The Commission is therefore obliged to take a new decision in respect of Tariff F.

Since the decision of 17 April 1984 has been annulled by the Court, the Article 93 (2) procedure initiated on 25 October 1983 is reopened.

Although the Commission had already obtained the opinion of interested parties for the purposes of the procedure, it considers that, in view of the new fact constituted by the assessment elements on which the judgment in question was based, the interested parties should be given the opportunity to state their views again.

Tariff F was introduced into Gasunie's tariff structure for very large-scale consumers established in the Netherlands and is in principle accessible to any consumer essentially fulfilling the following conditions:

— consuming a quantity of gas of at least 600 million m³ per year,

- accepting the total or partial interruption of supplies,
- accepting the supply of gas of a different calorific value.

Supplies to consumers agreeing to these conditions are charged at Tariff E with a rebate of 5 cents per m³. Since the introduction of Tariff F in November 1983, however, this rebate has not been constant. It fell from 5 cents per m³ in 1983 to 2,5 cents per m³ in 1986 and 2 cents per m³ in 1988, rising in the first quarter of 1991 to 3,27 cents per m³. The Dutch ammonia producers have been the main beneficiaries of Tariff F.

The Commission accordingly invites Member States and other interested parties to send it their comments on the special tariff charged in the Netherlands for gas supplies to Dutch nitrogenous fertilizer producers. The comments should be sent within one month of the date of publication of this notice to:

Commission of the European Communities,
Rue de la Loi, 200,
B-1049 Brussels.

The Commission will pass on any information it receives in this context to the Dutch Government.

STATE AID

C 53/91 (N 529/91)

Germany

(92/C 10/05)

(Articles 92 to 94 of the Treaty establishing the European Economic Community)

Commission notice pursuant to Article 93 (2) of the EEC Treaty to other Member States and interested parties regarding aid which Germany has decided to grant in the laser research sector

By means of the letter reproduced below, the Commission informed the German Government of its decision to initiate the Article 93 (2) procedure.

By registered letter dated 22 August 1991, your Government notified the Commission of a planned aid scheme 'Förderschwerpunkt Laserforschung und Lasertechnik' under the Eureka programme (EU-226).

At the request of the Commission departments, additional information was sent by registered letter dated 22 October 1991.

According to that information, the aid planned for the period from May 1988 to August 1993 is ECU 6,93 million. Of this amount, ECU 4,30 million will go to firms in the market sector and ECU 2,63 million to universities and public research institutes.

As regards the intensities of the aid in question, the institutes will receive between 70 % and 75 % of their costs as State aid, giving an average rate of 72,7 %.

The firms will receive between 45 % and 51,9 %, giving an average of 49,5 % of costs covered out of public funds.

The work for which aid is to be granted is confined to cooperative research projects. According to your assessment, the activities of the institutes consist exclusively in fundamental research within the meaning of point 2 of Annex I to the Community framework for state aids for R&D. The work carried out by firms, for their part, will involve almost exclusively basic research (point 3 of the Annex), with the exception of one firm which, in the initial stage, is carrying out a project which is 90 % basic research and 10 % applied research.

As regards the results of the R&D, the NKFT and AN Best-P conditions of the Federal Ministry for Research and Technology are applicable. Moreover, your

authorities sent the Commission a copy of the standard contract used for every scientific cooperative venture between industry and institutes.

The conditions of Article 92 (1) of the EEC Treaty are met since competition may be distorted in that firms will receive subsidies from the State. This also applies to the funds allocated to the universities and public institutes in so far as their research is carried out solely in collaboration with firms (paragraph 2.3 of the framework).

In evaluating the aid intensity, the Commission notes first of all that the assessment of the research stages made by your authorities does not correspond to its own.

The initial investigation by the Commission departments led them to conclude that, of the 18 individual projects, eight concern basic research (of which four to be carried out by institutes and four by firms) and 10 applied research (of which four to be carried out by institutes and six by firms). Thus, DM 4,61 million (32,3 %) of the aids concern basic research projects and DM 9,66 million (67,7 %) applied research.

There is, therefore, some uncertainty as to the nature of the research. This has important consequences regarding the maximum admissible intensity, which should not exceed a weighted average of 33 % if we apply the usual rates of 50 % for basic research and 25 % for applied research.

In any event, on the basis of paragraph 5,3 of the framework, one could not allow an aid scheme which, for the most part, is designed for market-related activities to provide for intensities of between 50 % and 75 %, with an average of 56 %.

The Commission's doubts are reinforced by the terms under which the results are transferred between institutes and firms under the cooperative research scheme (Verbundforschung).

As this specific case involves only cooperative projects, the effect of the aid to universities and institutes cannot be separated from that of the subsidies to industry. The information provided by the German authorities has

shown that industry alone benefits from the results of the research, as the institutes are placed at a disadvantage by the legal conditions set out in the standard contract. These explicitly state that the firms have the sole right to use the results for commercial purposes.

Under these circumstances, the firms benefit not only from direct subsidies from the State, but also from the results obtained by the institutes. Consequently, it is as if, from a commercial point of view, the aid granted to the institutes benefited industry alone. For this reason, it should not be higher than that granted to the firms.

The intensity of aid N 529/91 does not appear, therefore, to satisfy the requirements laid down in the Community framework. By affecting the conditions of trade between Member States to an extent contrary to the common interest, the aid does not appear to be compatible with Article 92 (1) of the Treaty.

Consequently, the Commission is obliged to initiate the procedure provided for in Article 93 (2) of the EEC Treaty with respect to the 'Laserforschung und Laser-technik' scheme.

Under that procedure, the Commission hereby gives the German Government notice to submit its observations within one month of the date of receipt of this letter.

It would also inform the German Government that it will be publishing a notice in the *Official Journal of the European Communities* requesting other Member States and interested parties to submit their comments.

The Commission would remind the German authorities that, under Article 93 (3) of the EEC Treaty, the planned aid measures may not be implemented until the Article 93 (2) procedure has resulted in a final decision.

It would also draw the attention of the German Government to the letter it sent to all the Member States on 3 November 1983 on the subject of their obligations under Article 93 (3) of the EEC Treaty and the communication it published in *Official Journal of the European Communities* No C 318 of 24 November 1983, page 3, in which it reminded Member States that where they grant aid unlawfully, i.e. before the Article 93 (2)

procedure has resulted in a final decision, the Commission may require them to recover it.

The Commission hereby gives the other Member States and interested parties notice to submit their comments on the measures in question within one month of the date of publication of this notice to:

Commission of the European Communities,
Rue de la Loi 200,
B-1049 Brussels.

The comments will be communicated to Germany.

Communication of agricultural structure decisions

(92/C 10/06)

(See Notice in Official Journal of the European Communities No L 74 of 22 June 1989, p. 31)

Commission Decision No C(91) 2443 of 13 December 1991:

Member State concerned:

— Greece

Basis:

— Council Regulation (EEC) No 2328/91 (improving the efficiency of agricultural structures)

Decision that the conditions for a financial contribution from the Community are satisfied in the light of the measures adopted by the Member State concerning the set-aside.

Commission Decision No C(91) 2444 of 13 December 1991:

Member State concerned:

— Luxembourg

Basis:

— Council Regulation (EEC) No 2328/91 (improving the efficiency of agricultural structures)

Decision that the conditions for a financial contribution from the Community are satisfied in the light of the measures adopted by the Member State concerning the set-aside.

Commission Decision No C(91) 2509 of 13 December 1991:

Member State concerned:

— Luxembourg

Basis:

— Council Regulation (EEC) No 2328/91 (improving the efficiency of agricultural structures)

Decision that the conditions for a financial contribution from the Community are satisfied in the light of the measures adopted by the Member State on compensatory allowances.

Commission Decision No C(91) 2510 of 13 December 1991:

Member State concerned:

— Spain (Basque Country)

Basis:

— Council Regulation (EEC) No 797/85 (improving the efficiency of agricultural structures)

Decision that the conditions for a financial contribution from the Community are satisfied in the light of the measures adopted by the Member State for achievement of Objective 5 (a).

NB: A copy of the Decision in the official language(s) of the Member State concerned may be obtained on request from the Secretariat-General of the Commission of the European Communities, Publications in the Official Journal and Notifications Department, Breydel, Office 14/94, Rue de la Loi 200, B-1049 Brussels, (tel. (02) 235 23 64, fax (02) 235 01 20).

COURT OF JUSTICE

JUDGMENT OF THE COURT

of 10 December 1991

in Case C-306/89: Commission of the European Communities v. Hellenic Republic ⁽¹⁾

(Failure to transpose Council Directive 82/470/EEC — Effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies and in storage and warehousing)

(92/C 10/07)

(Language of the case: Greek)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-306/89: Commission of the European Communities (Agent: Maria Condou-Durande) against the Hellenic Republic (Agent: Evi Skandalou) — application for a declaration that the Hellenic Republic has failed to fulfil its obligations under the EEC Treaty by not adopting within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 82/470/EEC of 29 June 1982 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720) — the Court, composed of O. Due, President, R. Joliet and F. Grévisse, Presidents of Chambers, C. N. Kakouris, J. C. Moitinho de Almeida, M. Díez de Velasco and M. Zuleeg, Judges; C. O. Lenz, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, delivered a judgment on 10 December 1991, the operative part of which is as follows:

1. *By failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 82/470/EEC of 29 June 1982 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-*

employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720) the Hellenic Republic has failed to fulfil its obligations under the EEC Treaty.

2. *The Hellenic Republic is ordered to pay the costs.*

JUDGMENT OF THE COURT

of 10 December 1991

in Case C-179/90: (reference for a preliminary ruling made by the Tribunale di Genova (Italy)): *Merci Convenzionali Porto di Genova SpA v. Siderurgica Gabrielli SpA* ⁽¹⁾

(Port undertakings — Legal monopoly — Competition rules — Prohibition of discrimination on grounds of nationality — Free movement of goods)

(92/C 10/08)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in Reports of Cases before the Court)

In Case C-179/90: reference to the Court under Article 177 of the EEC Treaty by the Tribunale di Genova (District Court, Genova) (Italy) for a preliminary ruling in the proceedings pending before that court between *Merci Convenzionali Porto di Genova SpA* and *Siderurgica Gabrielli SpA* — on the interpretation of Articles 7, 30, 85, 86 and 90 of the EEC Treaty — the Court, composed of O. Due, President, Sir Gordon Slynn, R. Joliet, F. A. Schockweiler, F. Grévisse and P. J. G. Kapteyn, Presidents of Chambers, G. F. Mancini, C. N. Kakouris, J. C. Moitinho de Almeida, G. C. Rodríguez Iglesias and M. Díez de Velasco, Judges; W. Van Gerven, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 10 December 1991, the operative part of which is as follows:

⁽¹⁾ OJ No C 288, 16. 11. 1989.

⁽¹⁾ OJ No C 179, 19. 7. 1990.

1. Article 90 (1) of the EEC Treaty, in conjunction with Articles 30, 48 and 86 of the Treaty, precludes rules of a Member State which confer on an undertaking established in that State the exclusive right to organize dock work and requires it for that purpose to have recourse to a dock-work company whose workforce is composed exclusively of nationals.
2. Articles 30, 48 and 86 of the Treaty, in conjunction with Article 90, give rise to rights for individuals which the national courts must protect.
3. Article 90 (2) of the Treaty must be interpreted as meaning that an undertaking and/or a dock-work company in the position described in the first question may not be regarded, on the basis only of the factors contained in that description, as being responsible for the management of services of general economic interest within the meaning of that provision.

President of Chamber acting as President, F. Grévisse and P. J. G. Kapteyn, Presidents of Chamber, G. F. Mancini, C. N. Kakouris, J. C. Moitinho de Almeida, M. Díez de Velasco, M. Zuleeg and J. L. Murray, Judges; C. O. Lenz, Advocate-General; J.-G. Giraud, Registrar, gave a judgment on 10 December 1991, the operative part of which is as follows:

1. By not drawing up the programmes for reducing the tonnage and/or volume of containers of liquid for human consumption in household waste to be finally disposed of, as provided for in Article 3 of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty.
2. The Kingdom of Spain is ordered to pay the costs.

JUDGMENT OF THE COURT

of 10 December 1991

in Case C-192/90: Commission of the European Communities v. Kingdom of Spain ⁽¹⁾

(Failure by a Member State to fulfil its obligations — Containers of liquid for human consumption — Implementation of a directive in national law)

(92/C 10/09)

(Language of the case: Spanish)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-192/90: Commission of the European Communities (Agent: Ricardo Gosalbo Bono) against the Kingdom of Spain (Agent: Carlos Bastarreche Sagües and Antonio Hierro Hernández-Mora, Abogado del Estado) — application for a declaration that, by failing to communicate to the Commission programmes for reducing the tonnage and/or volume of containers of liquids for human consumption in household waste to be finally disposed of, as provided for in Article 3 of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption ⁽²⁾, or by failing to draw up such programmes, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty — the Court, composed of F. A. Schockweiler,

⁽¹⁾ OJ No C 179, 19. 7. 1990.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 18.

JUDGMENT OF THE COURT

of 10 December 1991

in Case C-19/91: Commission of the European Communities v. Kingdom of Belgium ⁽¹⁾

(Failure to fulfil obligations — Failure to implement a judgment of the Court)

(92/C 10/10)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-19/91: Commission of the European Communities (Agent: Xavier Lewis) against the Kingdom of Belgium (Agent: J. Devadder) — application for a declaration that, by not implementing the judgment of the Court of Justice of 24 May 1988 in Case 307/86 Commission v. Belgium [1988] ECR 2677, concerning the transposition into Belgian law of Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels ⁽²⁾, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty, in particular Article 171 thereof — the Court, composed of O. Due, President,

⁽¹⁾ OJ No C 50, 26. 2. 1991.

⁽²⁾ OJ No L 301, 28. 10. 1982, p. 1.

Sir Gordon Slynn, R. Joliet and P. J. G. Kapteyn, Presidents of Chambers, G. F. Mancini, C. N. Kakouris, G. C. Rodríguez Iglesias, M. Díez de Velasco and J. L. Murray, Judges; C. Gulman, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 December 1991, the operative part of which is as follows:

1. *By not adopting the measures needed to implement the judgment of the Court of Justice of 24 May 1988 the Kingdom of Belgium has failed to fulfil its obligations under Article 171 of the EEC Treaty.*
2. *The Kingdom of Belgium is ordered to pay the costs.*

Action brought on 25 November 1991 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-296/91)

(92/C 10/11)

An action against the Kingdom of Belgium was brought before the Court of Justice on 25 November 1991 by the Commission of the European Communities, represented by Thomas van Rijn, a member of the Commission's Legal Department, with an address for service in Luxembourg at the office of Roberto Hayder, Legal Department of the Commission.

The applicant claims that the Court should:

- declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 89/321/EEC (*) of 27 April 1989 amending for the second time the Annexes to Council Directive 77/96/EEC (†) on the examination for *Trichinae* (*Trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty,
- order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments adduced in support:

Article 189 of the EEC Treaty states that a directive is binding as to the result to be achieved. Consequently,

(*) OJ No L 133, 17. 5. 1989, p. 33.

(†) OJ No L 26, 31. 1. 1977, p. 67.

Members States have an obligation to observe the time limits laid down for complying with the directive. The Kingdom of Belgium did not introduce the necessary measures to implement the abovementioned directive before the time limit expired on 1 September 1989.

Action brought on 25 November 1991 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-297/91)

(92/C 10/12)

An action against the Kingdom of Belgium was brought before the Court of Justice on 25 November 1991 by the Commission of the European Communities, represented by Thomas van Rijn, a member of the Commission's Legal Department, with an address for service in Luxembourg at the office of Roberto Hayder, Legal Department of the Commission.

The applicant claims that the Court should:

- declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 88/288/EEC (*) of 3 May 1988 amending Directive 64/433/EEC (†) on health problems affecting intra-community trade in fresh meat and Council Directive 88/289/EEC (‡) of 3 May 1988 amending Directive 72/462/EEC (§) on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries, the Kingdom of Belgium has failed to fulfil its obligations under the Treaty,
- order the Kingdom of Belgium to pay the costs.

The pleas in law and main arguments are the same as those in Case C-296/91; the time limit for complying with the Directive expired on 1 January 1989.

(*) OJ No L 124, 18. 5. 1988, p. 28.

(†) Official Journal, English Special Edition, 1963/64, p. 2012/64.

(‡) OJ No L 124, 18. 5. 1988, p. 31.

(§) Official Journal, English Special Edition, 1972, p. 7.

**Action brought on 5 December 1991 by Beate Weber
against the European Parliament**

(Case C-314/91)

(92/C 10/13)

An action against the European Parliament was brought before the Court of Justice of the European Communities on 5 December 1991 by Beate Weber, of D-6900 Heidelberg, represented by Messrs Heinz, Heinz, Langer & Langer, Rechtsanwälte, Kaiserstraße 27, D-6900 Heidelberg, with an address for service in Luxembourg at the Chambers of Aloyse May, 31 Grand Rue. The applicant claims that the Court should:

— declare void the notice issued by the defendant to the applicant on 2 October 1991, received by the applicant's representative on 7 October 1991,

— order the defendant to pay the applicant a transitional allowance on the basis of the applicant's total of 11 years' membership of the European Parliament in accordance with the 'Rules on the creation of a transitional end-of-service allowance for Members of the European Parliament' of 27 June 1988 (18 May 1988) in compliance with the law as interpreted by the Court together with interest at 4 % from 24 April 1991,

— order the defendant to pay the costs.

Pleas in law and main arguments adduced in support:

Under the 'Rules on the creation of a transitional end-of-service allowance for Members of the European Parliament' of 27 June 1988, former Members of the European Parliament are legally entitled to the payment of the transitional allowance provided for in those rules. The European Parliament's interpretation of those rules, to the effect that a Member who during the course of an electoral period resigns his membership in order to take up a local elective office incompatible with membership of the European Parliament is not entitled to a transitional allowance, is inconsistent with both their terms and their purpose. Proof that reintegration expenses have been incurred is not required any more than is proof of the former Member's means or income, regardless of

whether the Member's term of office is terminated on the expiry of an electoral period or by resignation during the course of such a period.

Removal from the Register of Case C-46/91 P⁽¹⁾

(92/C 10/14)

By order of 20 November 1991 the President of the Court of Justice of the European Communities (second chamber) ordered the removal from the Register of Case C-46/91 P: Grigoris Evangelos Kalavros v. Court of Justice of the European Communities.

⁽¹⁾ OJ No C 116, 30. 4. 1991.

Removal from the Register of Case C-58/91⁽¹⁾

(92/C 10/15)

By order of 22 November 1991 the President of the Court of Justice of the European Communities ordered the removal from the Register of Case C-58/91: Commission of the European Communities v. Portuguese Republic.

⁽¹⁾ OJ No C 96, 12. 4. 1991.

Removal from the Register of Case C-152/90⁽¹⁾

(92/C 10/16)

By order of 27 November 1991 the President of the Court of Justice of the European Communities ordered the removal from the Register of Case C-152/90: Commission of the European Communities v. Italian Republic.

⁽¹⁾ OJ No C 146, 15. 6. 1990.

What is the Taric?

- The combined nomenclature (CN), which forms the basis for the Taric, is the result of a merger between the annual Regulations modifying the Common Customs Tariff (CCT) (Regulation (EEC) No 950/68), and the nomenclature of goods for the external trade statistics of the Community and statistics of trade between Member States (Nimexe) (Regulation (EEC) No 1445/72).
- The Taric contains further subdivisions, caused for the most part by:
 - quotas and tariff suspensions,
 - preferences,
 - anti-dumping and countervailing duties,
 - variable changes,
 - monetary and accession compensatory amounts,
 - wine reference prices,
 - surveillance measures, restrictions and quantitative limits.
- The Taric will also serve as the basis for:
 - all the Community import measures, and
 - the working tariffs and data files in the Member States.
- Indeed, the only way of securing a uniform presentation and application of the Community law is for the Commission to undertake the work of integrating and coding the above measures. This will also make it possible to collect Community-wide statistics for the measures concerned, thus doing away with many of the current separate statistical reporting requirements.
- The Taric has been created to perform the functions of integration and coding mentioned above. The day-to-day changes in Community legislation are recorded in a data base which is continually updated. The Taric will be published by the Office for Official Publications of the European Communities. Member States are given prompt notification of amendments and can amend their own working tariffs and data files accordingly. Taric itself, like the national working tariffs, does not have the status of a legal instrument, but its codes must be used for customs declarations and statistical returns (see Article 5 of Regulation (EEC) No 2658/87).

ORDER FORM

To be returned to:

**Office for Official Publications of the European Communities
L-2985 Luxembourg
Tel. 49 92 81**

Please send me a copy of the Taric (four volumes)

Catalogue number: CQ-67-91-000-EN-C

ISBN: 927 772 0050

Price (four volumes): ECU 160

Indicative prices in other currencies:

£ 117; £Irl 125; US\$ 192 (excluding VAT and postage)

Payable on receipt of invoice

Surname

Forename

No Street

Postal code City

Tel. Date

  OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg

.....
(Signature)

