

a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, also a member of its Legal Department, Jean Monnet building, Kirchberg.

The applicant claims that the Court should:

- Declare that, by failing to adopt measures appropriate in order to penalize, with effect from 1 November 1984, any breaches of the system of production aid for olive oil, the French Republic has failed to fulfil its obligations pursuant to Articles 2 and 3 of Council Regulation (EEC) No 2262/84 ⁽¹⁾;
- Order the French Republic to pay the costs.

Contentions and main arguments adduced in support:

The second paragraph of Article 7 of Council Regulation (EEC) No 2262/84 provides that the Regulation is to apply from 1 November 1984. Consequently, with effect from that date France was under an obligation to issue the provisions of domestic law necessary in order to secure effective penalties for any breaches of the relevant system of aid, and was not entitled to plead domestic legal difficulties or the requirements of national parliamentary procedure.

⁽¹⁾ OJ No L 208, 3. 8. 1984, p. 11.

Action brought on 27 September 1988 by the Commission of the European Communities against the Kingdom of Belgium

(Case 266/88)

(88/C 276/06)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 27 September 1988 by the Commission of the European Communities, represented by Jörn Sack, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, a

member of the Commission's Legal Department, Jean Monnet building, Kirchberg.

The applicant claims that the Court should:

- Declare that the Kingdom of Belgium has failed to fulfil its obligations pursuant to Article 198 of the EEC Treaty and Articles 2 and 3 of Directive 78/453/EEC ⁽¹⁾ by failing duly to enter agricultural levies in the accounts in accordance with those provisions and by fixing the period for the deferment of payment otherwise than is stipulated in those provisions;
- Order the Kingdom of Belgium to pay the costs.

Contentions and main arguments adduced in support:

The Commission maintains that there has been continuous failure to transpose and implement the provisions of Directive 75/453/EEC in Belgium owing to the inefficiency of the responsible department. The amounts in question are often considerable and the grant of deferment of payment inconsistently with the Community provisions may give rise to distortions of competition as between traders in the Community. Although there has been an improvement in administrative practice, the Commission considers that the Kingdom of Belgium has still not taken all the measures needed in order to rectify the situation.

⁽¹⁾ OJ No L 146, 1978, p. 19.

Removal from the Register of Case 359/85 ⁽¹⁾

(88/C 276/07)

By order of 13 July 1988 the Court of Justice of the European Communities ordered the removal from the Register of Case 359/85: Commission of the European Communities v. Federal Republic of Germany.

⁽¹⁾ OJ No C 355, 31. 12. 1985.