

which administer transport services within the meaning of the Directive and do not therefore fall within the exception provided for by Article 2 (2) (a).

4. Since the conditions for the application of Directive 77/62/EEC were fulfilled and none of the exceptions provided for therein was applicable, ANA-EP was under an obligation to send the relevant notice of an open tendering procedure to the Office for Official Publications of the European Communities for publication in the *Official Journal of the European Communities*, as required by Article 9 of the Directive.

Action brought on 4 August 1989 by the Commission of the European Communities against the Italian Republic

(Case 250/89)

(89/C 232/08)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 4 August 1989 by the Commission of the European Communities, represented by Sergio Fabro, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Dr Georgios Kremlis, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

- (a) Declare that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions needed to comply with Council Directive 86/415/EEC of 24 July 1986⁽¹⁾ on the installation, location, operation and identification of the controls of wheeled agricultural or forestry tractors, the Government of the Italian Republic has failed to fulfil its obligations under the EEC Treaty, more specifically Articles 5 and 189 thereof, and Article 5 of Council Directive 86/415/EEC of 24 July 1986;
- (b) Order the Government of the Italian Republic to pay the costs.

Contentions and main arguments adduced in support:

The third paragraph of Article 189 of the EEC Treaty, according to which a Directive is binding, as to the result to be achieved, upon the Member State to which it is addressed, imposes an obligation on Member States to comply with the time limits for transposing Directives which are laid down therein. The time limit in question expired on 1 October 1987 without the Italian Republic having adopted the provisions needed to comply with the Directive referred to in the Commission's conclusions.

⁽¹⁾ OJ No L 240, 26. 8. 1986, p. 1.

Action brought on 10 August 1989 by the Commission of the European Communities against the French Republic

(Case 255/89)

(89/C 232/09)

An action against the French Republic was brought before the Court of Justice of the European Communities on 10 August 1989 by the Commission of the European Communities, represented by its Legal Adviser Jörn Sack, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of the Commission's Legal Department, Wagner Centre, Kirchberg.

The Applicant claims that the Court should:

1. Declare that the French Republic has failed to fulfil its obligations under the EEC Treaty inasmuch as it did not introduce, within the prescribed period, the laws, regulations and administrative measures needed to comply with the provisions referred to in the first indent of Article 2 of Council Directive 84/587/EEC of 29 November 1984 amending Directive 70/524/EEC concerning additives in feedingstuffs⁽¹⁾ and with Commission Directive 86/403/EEC of 28 July 1986 amending the Annexes to Council Directive 70/524/EEC⁽²⁾.
2. Order the French Republic to pay the costs.

Contentions and main arguments adduced in support:

Article 189 of the EEC Treaty, according to which a Directive is binding, as to the result to be achieved, upon each Member State to which it is addressed, requires the Member States to observe the periods laid down in the Directives for implementing them. That period expired on 3 December 1986 but the French Republic has not put into effect the provisions needed to comply with the directives mentioned in the Commission's conclusions.

⁽¹⁾ OJ No L 319, 8. 12. 1984, p. 13.

⁽²⁾ OJ No L 233, 20. 8. 1986, p. 16.

Action brought on 14 August 1989 by the Commission of the European Communities against the Kingdom of Spain

(Case 258/89)

(89/C 232/10)

An action against the Kingdom of Spain was brought before the Court of Justice of the European Communities on 14 August 1989 by the Commission of