

applied by producers' organizations in the fishing industry;

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

JUDGMENT OF THE COURT

of 29 November 1990

in Case C-182/89: Commission of the European Communities v. French Republic ⁽¹⁾

(Importation of feline skins originating in Bolivia — Implementation in the Community of the Washington Convention)

(90/C 319/08)

(Language of the Case: French)

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

In Case C-182/89: Commission of the European Communities (Agents: Marie Wolfcarius and Thomas van Rijn) v. French Republic (Agents: Edwige Belliard and Marc Giacomini) — application for a declaration that, by issuing import permits for *felis wiedii* and *felis geoffroyi* skins from Bolivia, France failed to fulfil its obligations under Article 10 (1) (b) of Council Regulation (EEC) No 3726/82 of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora ⁽²⁾ and Articles 5 and 189 of the Treaty — the Court, composed of O. Due, President, T. F. O'Higgins, J. C. Moitinho de Almeida and M. Díez de Velasco (Presidents of Chambers), C. N. Kakouris, F. A. Schockweiler, F. Grévisse, M. Zuleeg and P. J. G. Kapteyn, Judges; J. Mischo, Advocate General, J. A. Pompe, Deputy Registrar, gave a judgment on 29 November 1990, the operative part of which is as follows:

1. *By issuing import permits in February 1986 for more than 6 000 wild cat skins of the felis geoffroyi and felis wiedii species from Bolivia, the French Republic failed to fulfil its obligations under Article 10 (1) (b) of Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora.*

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

⁽¹⁾ OJ No C 163, 30. 6. 1989.

⁽²⁾ OJ No L 384, 31. 12. 1982, p. 1.

Action brought on 23 October 1990 by the Commission of the European Communities against the Hellenic Republic

(Case C-328/90)

(90/C 319/09)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 23 October 1990 by the Commission of the European Communities, represented by Maria Patakia, a member of its Legal Department, with an address for service in Luxembourg at the office of Guido Berardis, also a member of its Legal Department, Centre Wagner, Kirchberg.

The applicant claims that the Court should:

1. Declare that by failing to take the necessary measures to comply with the Judgment of the Court of Justice of 15 March 1988 in Case 147/86, in which the Court declared that:

'(1) By prohibiting nationals of other Member States from setting up "frontistiria" (coaching establishments) and private music and dancing schools, and from giving private lessons at home, the Hellenic Republic has failed to fulfil its obligations under Articles 52 and 59 of the EEC Treaty;

(2) By prohibiting or by restricting access for nationals of other Member States already employed in Greece and of members of their families to the posts of director or teacher in "frontistiria" and in private music and dancing schools, the Hellenic Republic has failed to fulfil its obligations under Article 48 of the EEC Treaty', and

with the Judgment of the Court of Justice of 14 July 1988 in Case 38/87, in which the Court declared that:

'(1) By maintaining in force provisions which do not expressly uphold the right of nationals of the other Member States to register as ordinary members of the Technical Chamber of Greece, where such registration is a precondition for and facilitates access to the profession of architect, civil engineer and surveyor and the exercise thereof in the Hellenic Republic, the Hellenic Republic has failed to fulfil its obligations under Articles 52 and 59 of the EEC Treaty',

the Hellenic Republic has failed to fulfil its obligations under Article 171 of the EEC Treaty;

2. Order the Hellenic Republic to pay the costs.

Contentions and main arguments adduced in support:

More than two years after the abovementioned judgments of the Court the Hellenic Republic has not taken the necessary measures to comply with them, thereby infringing Article 171 of the EEC Treaty.

Action brought on 21 November 1990 by the Commission of the European Communities against the French Republic

(Case C-344/90)

(90/C 319/10)

An action against the French Republic was brought before the Court of Justice of the European Communities on 21 November 1990 by the Commission of the European Communities, represented by Rafael Pellicer, a member of its Legal Department, and Hervé Lehman, a member of the French Civil Service on secondment to the Commission's Legal Department, acting as Agents, with an address for service in Luxembourg at the office of Guido Berardis, also a member of the Commission's Legal Department, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

1. Declare that by banning the importation of cheeses lawfully produced and marketed in other Member States, to which nitrates have been added during the production process within limits permitted by international scientific opinion (50 mg per kg), the French Republic has failed to fulfil its obligations under Article 30 of the Treaty establishing the European Economic Community;
2. Order the French Republic to pay the costs.

Contentions and main arguments adduced in support:

The French legislation in question prevents goods lawfully produced and marketed in other Member States from being imported and for that reason amounts to a measure having an effect equivalent to a quantitative restriction within the meaning of Article 30 of the EEC Treaty, unless it can be justified by an overriding requirement such as the protection of public health. The Commission believes that the presence of nitrate in cheese, which is permitted in most Member States, corresponds to a genuine processing requirement and in no way endangers public health.

COURT OF FIRST INSTANCE

Action brought on 15 November 1990 by Bruno Giordani against the Commission of the European Communities

(Case T-48/90)

(90/C 319/11)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 15 November 1990 by Bruno Giordani, represented by Giuseppe Marchesini, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 4 avenue Marie-Thérèse.

The applicant claims that the Court of First Instance should:

1. Declare that he is entitled to recognition that he is in Grade A 5, Step 8, and to payment of the supplements attaching thereto, subject to the request made in Point 3, with effect from a date to be determined at a later date by the Court of First Instance;

2. Take account of the unjustified delay in reinstating him in the calculation of seniority in so far as is necessary for the purposes of pension rights;
3. Order the payment of the difference between the Community salaries payable in the course of time and the income received from private employment, of which he furnishes ample proof;
4. In the alternative, and by way of a preliminary inquiry, order the production of the vacancy notices for Grade A 5 posts in the Commission's scientific service from 1974 to 1986, and in its administrative service at least from 15 October 1983 to 26 May 1986;
5. Order the defendant to pay interest on the amounts found to be owing and to pay the costs.