

JUDGMENT OF THE COURT

of 19 February 1991

in Case C-375/89: Commission of the European Communities v. Kingdom of Belgium ⁽¹⁾*(Failure of a State to fulfil obligations — Failure to comply with the judgment in Case 5/86)*

(91/C 67/08)

*(Language of the Case: French)**(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case C-375/89: Commission of the European Communities (Agents: A. Abate and M. Nolin) against Kingdom of Belgium (Agent: Robert Hoebaer) — application for a declaration that, by failing to take the measures needed to comply with the judgment of the Court of Justice of 9 April 1987 in Case 5/86 Commission v. Belgium ⁽²⁾, the Kingdom of Belgium has failed to fulfil its obligations under Article 171 of the EEC Treaty — the Court, composed of O. Due, President, G. F. Mancini, T. F. O'Higgins and G. C. Rodríguez Iglesias (Presidents of Chambers), Sir Gordon Slynn, R. Joliet and F. A. Schockweiler, Judges; G. Tesauro, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 19 February 1991, the operative part of which is as follows:

1. *by failing to take the measures needed to comply with the judgment of the Court of Justice of 9 April 1987, 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.*

⁽¹⁾ OJ No C 28, 7. 2. 1990.⁽²⁾ [1987] ECR, p. 1773.

Action brought on 8 February 1991 by the Hellenic Republic against the Commission of the European Communities

(Case C-56/91)

(91/C 67/09)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 8 February 1991 by the Hellenic Republic, represented by Konstandinos Stavropoulos, lawyer and member of the special legal service for European Community affairs at the Ministry of Foreign Affairs, and Meletis Tsotsanis, lawyer at the

Ministry of Agriculture, with an address for service in Luxembourg at the Greek Embassy, 117 Val Ste Croix, Luxembourg.

The applicant claims that the Court should:

- declare Commission Decision 90/644/EEC of 30 November 1990 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1988 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund ⁽¹⁾ void in so far as it relates to Greece and with regard to the sections referred to in the general and specific parts of the application;
- order the Commission to pay the costs.

Contentions and main arguments adduced in support:

The Hellenic Republic puts forward one general ground for annulment: misapplication of the provisions of Article 176 of the EEC Treaty; however, it refers in particular to the incorrect implementation by the Commission of the judgments of the Court in Case in Cases C-259/87 and C-334/87.

In addition, the Hellenic Republic puts forward specific grounds for annulment which concern particular sections of the Decision at issue (refunds for exports of feed-stuffs, co-responsibility levies on cereals, etc.).

⁽¹⁾ OJ No L 350, 14. 12. 1990, p. 82.

Action brought on 8 February 1991 by the Commission of the European Communities against the Hellenic Republic

(Case C-57/91)

(91/C 67/10)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 8 February 1991 by the Commission of the European Communities, represented by Xenophon Yataganas, a member of its Legal Department, with an address for service in Luxembourg at the office of Guido Berardis, Wagner Centre, Kirchberg.