

ausgleich) and also to deny them the possibility of being assessed for income tax with account being taken of earnings from employment?

Action brought on 18 May 1993 by the Commission of the European Communities against the Italian Republic

(Case C-291/93)

(93/C 177/07)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 18 May 1993 by the Commission of the European Communities, represented by Dr Vittorio Di Bucci, a member of its Legal Service, with an address for service in Luxembourg at the Chambers of Dr Nicola Anecchino, also a member of the Commission's Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

1. declare that, by failing to adopt all the measures necessary to comply with the Court's judgment of 12 July 1988 in Case C-322/86 (Commission v. Italy [1988] ECR 3995), the Italian Republic has failed to fulfil its obligations pursuant to Article 171 of the EEC Treaty;
2. order the Italian Republic to pay the costs.

Pleas in law and main arguments adduced in support:

even though Article 171 of the EEC Treaty does not specify the time limit for compliance with a judgment holding that a State has failed to fulfil its obligations, it is necessary, in the interest of the immediate and uniform application of Community law, for such compliance to be initiated forthwith and to be completed in the shortest possible time. The Commission acknowledges that Legislative Decree No 130 of 25 June 1992 constitutes, on the whole, a measure capable of ensuring to a very large extent the proper implementation of Directive 78/659/EEC⁽¹⁾ in Italian law. However, Italy has still failed to designate (through the regions) which waters need protection or improvement and to establish programmes for reducing pollution.

⁽¹⁾ OJ No L 222, 14. 8. 1978, p. 1.

Action brought on 28 May 1993 by Ernst R. Bauer against the Commission of the European Communities

(Case C-299/93)

(93/C 177/08)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 28 May 1993 by Ernst R. Bauer, residing at 64 Via Fermi, Ispra, (Varese), represented by Giorgio Gozzi, Counsel with the right of audience at the Corte di Cassazione (Court of Cassation), with an address for service in Luxembourg at the Chambers of Ernst Arendt, 8/10, rue Mathias Hardt.

The applicant claims that the Court should:

- declare unlawful and ineffective, and therefore annul, the summonses of 30 July and 28 September 1992 seeking the vacation of the accommodation sublet to the applicant and an increase in rent backdated to 1 August 1992,
- order the Commission to make good the damage ensuing from the premature surrender of the premises — the amount of the compensation is provisionally quantified on a flat-rate basis at ECU 30 000 and is to be determined by the Court — and also to reimburse the difference between the rent imposed and the statutory rent for the period between 1 August 1992 and the date of the actual surrender,
- order the Commission, in any event, to pay ECU 10 000 by way of compensation for non-material damage,
- order the Commission to pay the costs.

Pleas in law and main arguments adduced in support:

The sublease in question contains a jurisdiction clause.

In support of his claim, the applicant relies upon:

- the unlawfulness of the time limit imposed by the notice to quit and of the increase in rent under the sublease on the ground that they are manifestly contrary to the Italian legislation applicable under the contract,
- infringement of the principle of protection of persons acting in good faith and of the duty to have regard to the welfare of citizens coming under its jurisdiction.