

the European Communities, represented by Guido Berardis, of its Legal Department, with an address for service in Luxembourg at the office of Georgios Kremlis, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that, by failing to adopt within the prescribed period the provisions needed to comply with Council Directive 84/645/EEC⁽¹⁾ of 11 December 1984 amending Directive 80/217/EEC introducing Community measures for the control of classical swine fever, the Italian Republic has failed to fulfil its obligations under the EEC Treaty,
- Order the Italian Republic to pay the costs.

Contentions and main arguments adduced in support:

The contentions and main arguments are the same as those in Case 324/87. The period prescribed for transposing the Directive into national law expired on 31 March 1985.

OJ No L 339, 27. 12. 1984, p. 33.

Reference for a preliminary ruling by the Tribunal de Première Instance de Bruxelles [Court of First Instance, Brussels] (Fourth Chamber) by judgment of that court of 16 October 1987 in the case of Société Anonyme d'Etude et de Gestion Immobilière (EGI) v. Etat Belge

(Case 330/87)

(87/C 317/14)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal de Première Instance de Bruxelles (Fourth Chamber) of 16 October 1987, which has received at the Court Registry on 20 October 1987, for a preliminary ruling in the case of Société Anonyme d'Etude et de Gestion Immobilière (EGI) v. Etat Belge on the following questions:

Articles 18 (1) (a) and 22 (3) (a) and (b) of the Sixth Council Directive of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes⁽¹⁾ provide that in order to exercise his right to deduct, the taxable person must hold an invoice stating clearly the price exclusive of VAT and the corresponding tax at each rate as well as any exemptions.

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1, Directive 77/388/EEC.

The preparatory documents concerning Article 22 (3) also state that the method of invoicing 'is not only part of the fiscal domain but also, and primarily, of the commercial domain' (commentary accompanying the proposal for a Sixth Directive submitted by the Commission to the Council on 20 June 1973, Article 23 (3)).

In those circumstances, do Articles 18 (1) (a) and 22 (3) (a) and (b) of the Sixth Directive permit the Belgian State to provide that a taxable person may exercise the right to deduct only if he holds a document which must contain not merely the usual information contained in an invoice in the traditional sense as defined in commercial law but also additional information, alien to the nature, essence and purpose of a commercial invoice, specified in Article 2 of Royal Decree No 1 of 23 July 1969 implementing the Belgian VAT code, where such additional information is purely technical in nature and is designed to facilitate supervision of the collection of the tax on the basis of the accounts of another taxable person with whom the person in question has concluded a contract?

Action brought on 27 October 1987 by Michèle Actis-Dato and Others against Commission of the European Communities

(Case 336/87)

(87/C 317/15)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 27 October 1987 by Michèle Actis-Dato and Others, officials and other servants of the Commission of the European Communities (Joint Nuclear Research Centre at Ispra), having their permanent residence in the province of Varese (Italy), represented by Marcel Slusny, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, 4 Avenue Marie-Thérèse.

The applicant claims that the Court should:

1. Order that the application in Case 7/87 and the present application, being related, shall be joined for the purpose of the oral procedure,
2. Order that the written procedure in Case 7/87 shall in any event be communicated to the applicants,
3. Declare Council Regulation (EEC, Euratom, ECSC) No 3619/86 to be inapplicable, by virtue of Article 184 of the EEC Treaty, Article 156 of the Euratom Treaty and the third paragraph of Article 36 of the ECSC Treaty,
4. Declare void the defendant's decisions embodied in the salary statements since December 1986,

5. Declare and adjudge that the defendant must rectify its accounts with each applicant,
6. In exercise of its unlimited jurisdiction:
Order the defendant to pay each of the applicants a sum which they assess provisionally at Bfrs 100 000, whilst reserving the right to revise that assessment in the course of the proceedings,
7. Order the defendant to pay, on the sums ultimately awarded, such interest as the Court shall consider usual, to run from the date on which the salaries should have been calculated according to a correct

application of the Staff Regulations, or else from such other date as the Court shall consider appropriate,

8. Order the defendant to pay the costs incurred by each of the applicants.

Contentions and main arguments adduced in support:

The contentions and arguments are identical to those adduced in the original application in Case 7/87 (1).

(1) OJ No C 39, 17. 2. 1987.