

**Action brought on 24 October 2003 by French Republic
against the Commission of the European Communities****(Case C-449/03)**

(2003/C 289/35)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 24 October 2003 by the French Republic, represented by M. Konstantinidis and B. Stromsky, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. declare that, by failing to issue a permit for the operation of the waste tip situated within the limits of the municipality of Saint-Laurent du Maroni, the French Republic has failed to fulfil its obligations under Article 9 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC⁽¹⁾;
2. declare that, by refraining from taking the necessary measures to ensure that the waste on the abovementioned tip is treated or disposed of without endangering human health and without using processes or methods which might harm the environment, the French Republic has failed to fulfil its obligations under Article 4 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC;
3. declare that, by refraining from taking the necessary measures to ensure that the operator of the abovementioned tip itself treat or dispose of waste or have it handled by a private or public waste collector, the French Republic has failed to fulfil its obligations under Article 8 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC;
4. order the French Republic to pay the costs.

Pleas in law and main arguments

The existence of a wild tipping site operated by the municipality of Saint-Laurent du Maroni has resulted in a deterioration of the environment during an extended period. The French Republic has not taken steps to close down the illegal tip or to rehabilitate it. It has not taken measures to ensure that waste is deposited in an authorised tip.

⁽¹⁾ OJ 1991 L 78, p. 32.

**Action brought on 27 October 2003 by the Commission
of the European Communities against the Grand Duchy
of Luxembourg****(Case C-450/03)**

(2003/C 289/36)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 27 October 2003 by the Commission of the European Communities, represented by K. Banks, acting as Agent, with an address for service in Luxembourg.

The Commission of the European Communities claims that the Court should:

1. Declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions⁽¹⁾ or, in any event, by not communicating those provisions to the Commission, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 15 of that directive;
2. Order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The time-limit fixed for the transposition of the directive expired on 30 July 2000.

⁽¹⁾ OJ L 213 of 30.07.1998, p. 13.

**Action brought on 28 October 2003 by the Commission
of the European Communities against the Kingdom of
Belgium****(Case C-454/03)**

(2003/C 289/37)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 28 October 2003 by the Commission of the European Communities, represented by K. Banks, acting as Agent, with an address for service in Luxembourg.

The Commission of the European Communities claims that the Court should:

1. Declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions⁽¹⁾ or, in any event, by not communicating those provisions to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under Article 15 of that directive;
2. Order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The time-limit fixed for the transposition of the directive expired on 30 July 2000.

⁽¹⁾ OJ L 213 of 30.07.1998, p. 13.

Removal from the register of Case C-33/02⁽¹⁾

(2003/C 289/38)

By order of 19 June 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-33/02: Commission of the European Communities v Republic of Austria.

⁽¹⁾ OJ C 84 of 6.4.2002.

Removal from the register of Case C-194/02⁽¹⁾

(2003/C 289/39)

By order of 30 June 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-194/02: Commission of the European Communities v Republic of Austria.

⁽¹⁾ OJ C 169 of 13.7.2002.

Removal from the register of Case C-226/02⁽¹⁾

(2003/C 289/40)

By order of 8 May 2003 the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-226/02 Reference for a preliminary ruling by the Østre Landsret): Remedan af 1985 ApS v Skatteministeriet.

⁽¹⁾ OJ C 219 of 14.9.2002.