

COURT OF JUSTICE

Action brought on 28 October 1987 by the Commission of the European Communities against the Kingdom of the Netherlands

(Case 339/87)

(87/C 326/04)

An action against the Kingdom of the Netherlands was brought before the Court of Justice of the European Communities on 28 October 1987 by the Commission of the European Communities, represented by Th. van Rijn, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of G. Kremlis, also a member of the Commission's Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

1. Declare that, by failing to bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with the provisions of Council Directive 79/409/EEC on the conservation of wild birds⁽¹⁾, the Kingdom of the Netherlands has failed to fulfil its obligations under the Treaty.
2. Order the Kingdom of the Netherlands to pay the costs.

Contentions and main arguments adduced in support:

Article 189 of the EEC Treaty, according to which a directive is binding, as to the result to be achieved, imposes upon each Member State an obligation to observe the period prescribed therein for its implementation. The period prescribed in Directive 79/409/EEC expired on 6 April 1981 without the Kingdom of the Netherlands having brought into force the provisions necessary to implement it in so far as the *Jachtwet* [Law on Hunting] was not, and continues not to be, consistent therewith.

⁽¹⁾ OJ No L 103, 25. 4. 1979, p. 1.

Reference for a preliminary ruling by the Landgericht Hamburg by judgment of that court of 2 October 1987 in the case of EMI Electrola GmbH v. (1) Patricia Im- und Export Verwaltungsgesellschaft GmbH, (2) Lüne-ton Tonträger-Herstellungs-GmbH & Co. KG, (3) Leif Emanuel Kraul, and (4) Ingo Beetz

(Case 341/87)

(87/C 326/05)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Landgericht [Regional Court], Hamburg, of 2 October 1987, which was received at the Court Registry on 3 November 1987, for a preliminary ruling in the case of EMI Electrola GmbH, 149 Maarweg, D-5000 Cologne 30, v. (1) Patricia Im- und Export Verwaltungsgesellschaft GmbH, 10 Mehlbachstrift, D-2120 Lüneburg, (2) Lüne-ton Tonträger-Herstellungs-GmbH & Co. KG, 10 Mehlbachstrift, D-2120 Lüneburg, (3) Leif Emanuel Kraul, 45 Am Entenmoor, D-2123 Bardowick, and (4) Ingo Beetz, 28 Bredenbekstraße, D-2000 Hamburg 65, on the following question:

Is it compatible with the provisions on the free movement of goods (Articles 30 et seq. of the EEC Treaty) for a manufacturer of sound recordings in Member State A to exercise his exclusive rights in that State over the reproduction and sale of certain musical works in such a manner as to prohibit the sale in the territory of Member State A of sound recordings of the same musical work manufactured and sold in Member State B, where the manufacturers of sound recordings previously enjoyed copyright protection for the musical work in Member State B but the copyright period has already expired?

Removal from the Register of Case 271/86⁽¹⁾

(87/C 326/06)

By order of 15 October 1987 the Court of Justice of the European Communities ordered the removal from the Register of Case 271/86: Commission of the European Communities against Federal Republic of Germany.

⁽¹⁾ OJ No C 308, 2. 12. 1986.