

the harm suffered by other persons who were the immediate victims of the harmful act to bring proceedings against the perpetrator of that act in the courts of the place in which he himself discovered the damage to his assets.

Action brought on 15 December 1989 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-374/89)

(90/C 26/11)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 15 December 1989 by the Commission of the European Communities, represented by its Legal Adviser, Michel van Ackere-Pietri, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of its Legal Department, Centre Wagner, Kirchberg.

The applicant claims that the Court should:

- declare that by repeatedly failing to notify within the prescribed time limits all the information on the prices of crude oil and petroleum products required under Article 1 of Directive 76/491/EEC⁽¹⁾, in spite of the initiation of several proceedings prior to action and actions, Belgium has failed to fulfil its obligations under the said directive and Article 5 of the EEC Treaty,
- order the Kingdom of Belgium to pay the costs.

The contentions and main arguments adduced in support follow from the conclusions.

⁽¹⁾ OJ No L 140, 28. 5. 1976, p. 4.

References for a preliminary ruling by the Tribunal de Police, Bordeaux, by judgments of that court of 12 December 1989 in the cases of Ministère Public and Others v. André Raufaste (378/89) and Jean-Marie Daubigny (379/89)

(Cases C-378/89 and C-379/89)

(90/C 26/12)

Reference has been made to the Court of Justice of the European Communities by judgments of the Tribunal de Police [local criminal court], Bordeaux, of 12 December 1989, which were received at the Court Registry on

20 December 1989, for a preliminary ruling in the cases of Ministère Public [Public Prosecutor's Office] and 1. Syndicat Général du Négoce de l'Ameublement et des Professions qui s'y rattachent [General Furniture and Associated Trades Association], 2. Union Départementale des Syndicats Force Ouvrière [Federation of Force Ouvrière Trade Unions for the Department], 3. Chambre Syndicale des Employés de Commerce et de Cadres Force Ouvrière [Force Ouvrière Union of Trade Employees and Executives], 4. Union Départementale des Syndicats CFDT de la Gironde [Federation of CFDT Trade Unions for the Department of Gironde], 5. Syndicat des Employés et Cadres du Commerce de la Gironde CGT [CGT Union of Trade Employees and Executives in Gironde], and 6. Union Départementale des Syndicats CGT de la Gironde [Federation of CGT Trade Unions for the Department of Gironde] v. André Raufaste (378/89) and Jean-Marie Daubigny (379/89) on the following questions:

Can the concept of 'measures having equivalent effect' to quantitative restrictions on imports contained in Article 30 of the EEC Treaty be applied to a general provision whose effect is to prohibit Sunday working for employees, *inter alia* in a sector such as furniture retailing, when:

1. that sector deals to a large extent in products imported, *inter alia*, from the Member States of the EEC;
2. a considerable proportion of the sales of undertakings in that sector is made on Sundays in cases where those undertakings have taken the step of contravening the provisions of national law;
3. closure on Sundays has the effect of reducing the volume of sales effected and thus the volume of imports from Member States of the Community; and, finally;
4. the obligation to allow employees a rest day on Sundays does not apply in all the Member States?

If so, can the characteristics of the sector in question be regarded as meeting the criteria set out in Article 36 of the EEC Treaty?

Action brought on 20 December 1989 by the Commission of the European Communities against the Italian Republic

(Case C-380/89)

(90/C 26/13)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 20 December 1989 by the Commission of the European Communities, represented by Enrico Traversa, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, Wagner Centre, Kirchberg.