

Action brought on 27 March 2002 by the Commission of the European Communities against the French Republic

(Case C-114/02)

(2002/C 131/15)

An action against the French Republic was brought before the Court of Justice of the European Communities on 27 March 2002 by the Commission of the European Communities, represented by L. Ström, acting as Agent, with an address for service in Luxembourg.

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

- declare that, by failing to adopt all the laws, regulations and administrative measures necessary in order to comply with Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽¹⁾, or at any rate by failing to communicate the same, the French Republic has failed to fulfil its obligations under that directive;
- order the French Republic to pay the costs.

Pleas in law and main arguments

The Commission claims that only a small part of Directive 98/8/EC has been transposed. France has communicated transposition measures in respect of Article 3(1), (2), (3) and (6) and Articles 5, 6, 7 and 9 of the directive. The obligations imposed by the directive which required to be transposed but have not been transposed or, at any rate, have not been communicated, therefore include transposition measures in respect of Article 3(4), (5) and (7) and Articles 4, 8, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 25 and 26 of the directive. The time-limit for transposition expired on 13 May 2000.

⁽¹⁾ OJ L 123 of 24.4.1998, p. 1.

Reference for a preliminary ruling by the Cour de cassation, chambre commerciale, financière et économique by judgment of that Court of 26 March 2002 in the case of Administration des Douanes et Droits Indirects against Rioglass SA and Transremar SL

(Case C-115/02)

(2002/C 131/16)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour de cassation, chambre commerciale, financière et économique (Court of Cassation, Commercial, Financial and Economic Chamber) of 26 March 2002, received at the Court Registry on 29 March 2002, for a preliminary ruling in the case of Administration des Douanes et Droits Indirects against Rioglass SA and Transremar SL on the following question:

Must Article 30 of the EC Treaty, (now, after amendment, Article 28 EC) be interpreted as meaning that it precludes the implementation, pursuant to the Code de la Propriété Intellectuelle, of procedures for the detention by the customs authorities of goods lawfully manufactured in a Member State of the European Community which are intended, following their transit through French territory, to be placed on the market in a non-member country, in the present case Poland?

Action brought on 3 April 2002 by the Commission of the European Communities against the Hellenic Republic

(Case C-119/02)

(2002/C 131/17)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 3 April 2002 by the Commission of the European Communities, represented by Gregorio Valero Jordana and Minas Konstantinidis, Legal Advisers.

The Commission claims that the Court should:

- declare that, by not adopting measures to instal a collecting system for urban waste water from the area of Thrasio Pedio and not subjecting urban waste water from that area to more stringent secondary treatment before its discharge into the 'sensitive area' of the Bay of Elefsina, the Hellenic Republic has failed to fulfil its obligations under Articles 3(1) and 5(2) of Council Directive 91/271/EEC⁽¹⁾ concerning urban waste-water treatment, as amended by Commission Directive 98/15/EC⁽²⁾ of