

bringing proceedings, the information sheets are still incomplete for 27,1 % of the proposed sites; the information has not been transmitted with the standard form information sheet EUR 15 for 4 % of the proposed sites; and no standard information sheet with scientific data has been transmitted in respect of 67,4 % of the proposed sites.

(¹) OJ L 206, 22.7.1992, p. 7.

Action brought on 3 March 1999 by the Commission of the European Communities against 1. Oder-Plan Architektur GmbH, 2. NCC Siab Bau GmbH and 3. Esbensen Consulting Engineers

(Case C-77/99)

(1999/C 160/05)

An action against 1. Oder-Plan Architektur GmbH, 2. NCC Siab Bau GmbH and 3. Esbensen Consulting Engineers was brought before the Court of Justice of the European Communities on 3 March 1999 by the Commission of the European Communities, represented by Richard Wainwright, Principal Legal Adviser in the Legal Service of the European Commission and Karin Schreyer, a national civil servant seconded to the Legal Service of the Commission, with an address for service in Luxembourg at the Chambers of Carlos Gómez de la Cruz, a Member of the Legal Service of the Commission, Wagner Centre, Kirchberg, Luxembourg.

The applicant claims that the Court should:

- order the defendants jointly and severally to pay the European Commission 54 510 EUR plus interest in the amount of 20 798.70 EUR for the period from 1 January 1993 to 15 January 1999,
- order the defendants jointly and severally to pay the European Commission interest on the principal sum of 54 510 EUR at the rate used by the European Monetary Cooperation Fund plus two per cent, and
- order the defendants jointly and severally to pay the costs of the action.

Pleas in law and main arguments

The Court has jurisdiction on the basis of an arbitration clause concluded in 1992.

The Commission terminated the subsidy contract concluded with the defendants as provided for the contract, for failure to implement the project, and is demanding partial reimbursement of the advance paid plus interest at the contractual rate.

Action brought on 3 March 1999 by the Commission of the European Communities against the French Republic

(Case C-78/99)

(1999/C 160/06)

An action against the French Republic was brought before the Court of Justice of the European Communities on 3 March 1999 by the Commission of the European Communities, represented by Christina Tufvesson, Legal Adviser, and Bernard Mongin, of its Legal Service, acting as Agents, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, Wagner Centre, Kirchberg.

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

- declare that, by failing to adopt the laws, regulations and administrative measures necessary in order to comply with European Parliament and Council Directive 95/26/EC of 29 June 1995 amending Directives 77/780/EEC and 89/646/EEC in the field of credit institutions, Directives 73/239/EEC and 92/49/EEC in the field of non-life insurance, Directives 79/267/EEC and 92/96/EEC in the field of life assurance, Directive 93/22/EEC in the field of investment firms and Directive 85/611/EEC in the field of undertakings for collective investment in transferable securities (Ucits), with a view to reinforcing prudential supervision(¹), alternatively by omitting to communicate the measures necessary to comply therewith, 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 mandatory nature of the provisions of the third paragraph of Article 189 and of the first paragraph of Article 5 of the EC Treaty is such as to oblige Member States to which directives are addressed to adopt the measures necessary in order to transpose those directives into their national legal order within the time-limit prescribed therein. The time-limit in question expired on 18 July 1996 but the French Republic has not adopted the necessary measures.

(¹) OJ L 168, 18.7.1995, p. 7.