JUDGMENT OF THE COURT
31 May 1989 *

In Case 43/88

Commission of the European Communities, represented by René Barents, a members of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, a Member of its Legal Department, Wagner Centre, Kirchberg,

applicant,

v

Kingdom of the Netherlands, represented by its Agents G. M. Borchardt and M. A. Fierstra, Deputy Legal Advisers in the Ministry of Foreign Affairs, with an address for service in Luxembourg at the Netherlands Embassy, 5 rue C. M. Spoo,

defendant,

APPLICATION for a declaration that, by laying down an affiliation requirement for the importing, exporting and offering for export plant propagation material by way of trade, the Kingdom of the Netherlands has failed to fulfil its obligations under Regulation No 234/68 of the Council of 27 February 1968 (Official Journal, English Special Edition 1968 (I), p. 26) and Regulation No 2358/71 of the Council of 26 October 1971 (Official Journal, English Special Edition 1971 (III), p. 894) as well as under Articles 30 to 34 of the EEC Treaty,

THE COURT

composed of: O. Due, President, T. Koopmans and F. Grévisse (Presidents of Chambers), G. F. Mancini, C. N. Kakouris, F. A. Schockweiler, J. C. Moitinho de Almeida, M. Diez de Velasco and M. Zuleeg, Judges,

(the grounds of the judgment are not reproduced)

* Language of the case: Dutch

hereby:

(1) **Declares that, by requiring traders who import, export and offer for export by way of trade propagation material for agricultural plants, vegetables and spices and for fruit trees and certain hardwood oils to be affiliated to certain supervisory bodies, the Kingdom of the Netherlands has failed to fulfil its obligations under Regulation No 234/68 of the Council of 27 February 1968 on the establishment of a common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage and under Regulation No 2358/71 of the Council of 26 October 1971 on the common organization of the market in seeds, and that, by making traders who import or export propagation material for seed potatoes subject to the same obligation, it has failed to fulfil its obligations under Articles 30 to 34 of the EEC Treaty;**

(2) **Orders the Kingdom of the Netherlands to pay the costs.**