

Other parties to the proceedings: French Republic, United Kingdom of Great Britain and Northern Ireland, European Parliament and Council of the European Union.

The appellant claim that the Court should:

- set aside the judgment of the CFI of 15 December 2005 in case T-33/01, *Infront WM AG v. Commission of the European Communities*;
- give final judgment in the matter by declaring that the Applicant in Case T-33/01 was inadmissible;
- order the Applicant in Case T-33/01 to pay the costs of the Commission arising from that case and the present appeal.

Pleas in law and main arguments

This appeal concerns the issues of direct and individual concern within the meaning of Article 230, fourth paragraph, EC. The Commission considers that, in the judgment under appeal, the Court of First Instance (hereinafter 'the CFI') has erred in law in its interpretation and application of those concepts. It has thereby upset the institutional balance which is reflected in the rules governing access to the Community courts in order to challenge the validity of a Community act. The CFI has treated as directly and individually concerned by a Commission decision an enterprise which could, at the very most, be considered to have suffered indirect economic damage as a result of the decision in question, and which has not even shown the likelihood of such damage. It has accepted as constituting individual concern elements common to many other operators finding themselves in situations comparable to that of the Applicant.

Reference for a preliminary ruling from the Diikitiko Protodikio Tripoleos lodged on 3 March 2006, Carrefour — Marinopoulos v Nomarkhiaki Aftodiikisi Tripoleos

(Case C-126/06)

(2006/C 108/13)

Language of the case: Greek

Referring court

Diikitiko Protodikio Tripoleos

Date lodged: 3 March 2006

Parties to the main proceedings

Applicant: Carrefour — Marinopoulos AE

Defendant: Nomarkhiaki Aftodiikisi Tripoleos

Questions referred

- (a) Does the requirement for the prior licence referred to in the grounds of the decision in order to market 'bake-off' products constitute a measure equivalent to a quantitative restriction within the meaning of Article 28 of the EC Treaty?
- (b) If it were considered to be a quantitative restriction, does the requirement for a prior licence in order to make bread pursue a purely qualitative objective, that is to say establish a mere qualitative differentiation with regard to the characteristics of the bread marketed (of smell, taste, colour and the appearance of the crust) and its nutritional value (judgment of the Court of Justice in Case C 325/00 *Commission v Germany* [2002] ECR I-9977) or does it seek to protect consumers and public health from any deterioration in the bread's quality (*Simvoulis tis Epikratias (Council of State) 3852/2002*)?
- (c) On the basis that the abovementioned restriction concerns both domestic and Community 'bake-off' products without distinction, is there a link with Community law and is that restriction capable of affecting, whether directly or indirectly, actually or potentially, the free trading of those products between Member States?

Action brought on 3 March 2006 — Commission of the European Communities v Grand-Duchy of Luxembourg

(Case C-127/06)

(2006/C 108/14)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: A. Aresu, Agent)

Defendant: Grand-Duchy of Luxembourg

Form of order sought

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC ⁽¹⁾ or, in any event, by failing to communicate those provisions to the Commission, the Grand-Duchy of Luxembourg has failed to fulfil its obligations under Article 21(1) of that Directive;

— order the Grand-Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The time-limit for implementing Directive 2002/65/EC expired on 9 October 2004.

⁽¹⁾ OJ 2002 L 271, p.16

Action brought on 3 March 2006 — Commission of the European Communities v Grand-Duchy of Luxembourg

(Case C-128/06)

(2006/C 108/15)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: D. Maidani and G. Braun, Agents)

Defendant: Grand-Duchy of Luxembourg

Form of order sought

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2003/124/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the definition and public disclosure of inside information and the definition of market manipulation ⁽¹⁾ and, in any event, by failing to communicate them to the Commission, the Grand-Duchy of Luxembourg has failed to fulfil its obligations under that directive;

— order the Grand-Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The time-limit for implementing Directive 2003/124/EC expired on 12 October 2004.

⁽¹⁾ OJ 2003 L 339, p.70

Appeal brought on 4 March 2006 by Autosalone Ispra Snc against the judgment delivered on 30 November 2005 in Case T-250/02 Autosalone Ispra Snc v European Atomic Energy Community

(Case C-129/06 P)

(2006/C 108/16)

Language of the case: Italian

Parties

Appellant: Autosalone Ispra Snc (represented by: B. Casu, Avvocato)

Other party to the proceedings: European Atomic Energy Community, represented by the Commission of the European Communities; Agent: E. de March, assisted by A. Dal Ferro, Avvocato.

Form of order sought

— Declare that the appeal is admissible

— Set aside the judgment of the Court of First Instance of the European Communities in Case T-250/02

— Order that Case T-250/02 be referred back to the Court of First Instance so that, once appropriate measures of inquiry have been made, including those made by the court of its own motion, such as the taking of expert evidence, on the spot checks and the hearing of witnesses, the court may deliver a new judgment granting the forms of order sought by the appellant in its pleadings in the proceedings at first instance

— Order the Commission to pay all the costs of the proceedings, including those incurred at first instance