JUDGMENT OF THE COURT OF JUSTICE

(Sixth Chamber)

of 27 January 2005

in Case C-59/04 Commission of the European Communities v French Republic [1]

(Failure to fulfil obligations — Directive 2001/29/EC — Harmonisation of certain aspects of copyright and related rights in the information society — Failure to transpose within the prescribed period)

(2005/C 82/09)

(Language of the Case: French)

In Case C-59/04, concerning an action for failure to fulfil obligations under Article 226 EC, brought on 11 February 2004 by the **Commission of the European Communities** (Agent: K. Banks) against the **French Republic** (Agents: G. de Bergues and A. Bodard-Hermant), the Court of Justice (Sixth Chamber), composed of A. Borg-Barthelet, President of the Chamber, J.-P. Puissochet and J. Malenovský (Rapporteur), Judges; Advocate General, A. Tizzano; Registrar, R. Grass, gave a judgment on 27 January 2005, in which it:

1. *Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Article 5(1) and Articles 6 and 7 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, the French Republic has failed to fulfil its obligations under that directive;*

2. *Dismisses the remainder of the action;*

3. *Orders each party to bear its own costs.*

[1] OJ C 71 of 20.3.2004

JUDGMENT OF THE COURT

(Fourth Chamber)

of 27 January 2005

in Case C-125/04 (reference for a preliminary ruling from the Collège d'arbitrage de la Commission de Litiges Voyages): Guy Denuit, Betty Cordenier v Transorient – Mosaïque Voyages and Culture SA [1]

(Questions referred for a preliminary ruling — Reference to the Court — National court or tribunal within the meaning of Article 234 EC — Arbitration panel)

(2005/C 82/10)

(Language of the case: French)

In Case C-125/04: reference for a preliminary ruling under Article 234 EC from the Collège d'arbitrage de la Commission de Litiges Voyages (Belgium), made by decision of 4 December 2003, received at the Court on 8 March 2004, in the proceedings pending before that court between Guy Denuit, Betty Cordenier and Transorient – Mosaïque Voyages and Culture SA – the Court (Fourth Chamber) composed of K. Lenaerts, President of the Chamber, N. Colneric and J.N. Cunha Rodrigues (Rapporteur), Judges; A. Tizzano, Advocate General, R. Grass, Registrar, gave a judgment on 27 January 2005, the operative part of which is as follows:

1. *The Court is not competent to rule on questions referred to it by the College d'àrbitrage de la Commission de Litiges Voyages.*

[1] OJ C 156 of 12.06.2004.

Application for authorisation to serve a garnishee order brought on 28 January 2005 by Intek Company against the Commission of the European Communities

(Case C-1/05 SA)

(2005/C 82/11)

An application for authorisation to serve a garnishee order on the Commission of the European Communities was brought before the Court of Justice of the European Communities on 28 January 2005 by Intek Company, represented by R. Nathan, avocat.