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(Information)

COURT OF JUSTICE

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Judgement of the Court (Third Chamber) of 1 June 2006 — P&O European Ferries (Vizcaya) SA v Diputación Foral de Vizcaya, Commission of the European Communities

(Joined Cases C-442/03 P and C-471/03 P) [1]

(State aid — Appeals — Actions for annulment — Decision terminating a review procedure initiated under Article 88(2) EC — Concept of State aid — Force of res judicata — Aid which may be declared compatible with the common market — Social aid — Conditions)

(2006/C 178/01)

Languages of the case: English and Spanish

Parties

Appellant (in Case C-442/03 P): P&O European Ferries (Vizcaya) SA (represented by: J. Lever QC, J. Ellison, solicitor, and M. Pickford, barrister, assisted by E. Bourtzalas, abogado)

Appellant (in Case C-471/03 P): Diputación Foral de Vizcaya (represented by: I. Sáenz-Cortabarría Fernández, M. Morales Isasi and J. Forguera Crespo, abogados)

Other party to the proceedings: Commission of the European Communities (represented by: N. Khan and J. Buendía Sierra, Agents)

Re:

Appeals against the judgment of the Court of First Instance (First Chamber, Extended Composition) of 5 August 2003 in Joined Cases T-116/01 and T-118/01 *P&O European Ferries (Vizcaya) and Diputación Foral de Vizcaya* v *Commission* dismissing an application seeking the annulment of Article 2 of Commission Decision 2001/247/EC of 29 November 2000 on the aid scheme implemented by Spain in favour of the shipping company Ferries Golfo de Vizcaya SA, now P&O European Ferries (Vizcaya) SA, and ordering the repayment of the aid held to be incompatible with the common market

Operative part of the judgment

The Court:

1. *Dismisses the appeals;*

2. *Orders P&O Ferries (Vizcaya) SA and the Diputación Foral de Vizcaya to pay the costs.*

[1] OJ C 7, 10.1.2004 and OJ C 21, 24.1.2004.

Judgement of the Court (Grand Chamber) of 30 May 2006 — European Parliament v Council of the European Union

(Joined Cases C-317/04 and C-318/04) [1]

(Protection of individuals with regard to the processing of personal data — Air transport — Decision 2004/496/EC — Agreement between the European Community and the United States of America — Passenger Name Records of air passengers transferred to the United States Bureau of Customs and Border Protection — Directive 95/46/EC — Article 25 — Third countries — Decision 2004/535/EC — Adequate level of protection)

(2006/C 178/02)

Language of the case: French

Parties

Applicant: European Parliament (represented by: R. Passos, N. Lorenz, H. Duintjer Tebbens and A. Caiola, Agents)

Intervener in support of the applicant: European Data Protection Supervisor (EDPS) (represented by: H. Hijmans and V. Perez Asinari, Agents)

Defendant (in Case C-317/04): Council of the European Union (represented by: M.C. Giorgi Fort and M. Bishop, Agents)

Defendant (in Case C-318/04): Commission of the European Communities (represented by: P.J. Kuijper, A. van Solinge, C Docksey and F. Benyon, Agents)

Interveners in support of the defendant (in Case C-317/04): Commission of the European Communities (represented by: P.J. Kuijper, A. van Solinge and C. Docksey, Agents); United Kingdom of Great Britain and Northern Ireland (represented by: M. Bethell, C. White and T. Harris, Agents, and by T. Ward, Barrister)

Intervener in support of the defendant (in Case C-318/04): United Kingdom of Great Britain and Northern Ireland (represented by: M. Bethell, C. White and T. Harris, Agents, and by T. Ward, Barrister)

Re:

Action for annulment: annulment of Council Decision 2004/496/EC of 17 May 2004 on the conclusion of an Agreement between the European Community and the United States of America on the processing and transfer of PNR data by Air Carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection (OJ L 183, 2004, p. 83) (C-317/04)

Action for annulment: annulment of Commission Decision 2004/535/EC of 14 May 2004 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the United States Bureau of Customs and Border Protection (OJ L 235, 2004, p. 11) (C-318/04)

Operative part of the judgement

The Court:

1. *Annuls Council Decision 2004/496/EC of 17 May 2004 on the conclusion of an Agreement between the European Community and the United States of America on the processing and transfer of PNR data by Air Carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection, and Commission Decision 2004/535/EC of 14 May 2004 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the United States Bureau of Customs and Border Protection;*

2. *Preserves the effect of Decision 2004/535 until 30 September 2006, but not beyond the date upon which that Agreement comes to an end;*

3. *Orders the Council of the European Union to pay the costs in Case C-317/04;*

4. *Orders the Commission of the European Communities to pay the costs in Case C-318/04;*

5. *Orders the Commission of the European Communities to bear its own costs in Case C-317/04;*

6. *Orders the United Kingdom of Great Britain and Northern Ireland and the European Data Protection Supervisor to bear their own costs.*

([1]) OJ C 228, 11.9.2004.

Judgement of the Court (Second Chamber) of 8 June 2006 (reference for a preliminary ruling from the Bundesfinanzhof, Germany) — Finanzamt Eisleben v Feuerbestattungsverein Halle eV

(Case C-430/04) ([1])

(Sixth VAT Directive — Possibility of relying on the second subparagraph of Article 4(5) — Activities engaged in by a private taxable person in competition with a public authority — Body governed by public law — Treatment as a non-taxable person in respect of activities engaged in as a public authority)

(2006/C 178/03)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: Finanzamt Eisleben

Defendant: Feuerbestattungsverein Halle eV

Joined party: Lutherstadt Eisleben