

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Commission Decision 2007/254/EC of 7 June 2006 [notified under number C(2006) 2082], which found that aid granted by the Slovak Republic in favour of Frucona Košice in the form of a write-off of a tax debt by the tax office under an arrangement with creditors was incompatible with the common market and ordered its recovery (State Aid No C-25/2005 (ex NN 21/2005) (OJ 2007 L 112, p. 14).

**Operative part of the judgment**

The Court:

1. Declares that, by failing to take within the prescribed period all the measures necessary to recover from the beneficiary the aid referred to in Commission Decision 2007/254/EC of 7 June 2006 on State aid C 25/2005 (ex NN 21/2005) implemented by the Slovak Republic for Frucona Košice a.s., the Slovak Republic has failed to fulfil its obligations under the fourth paragraph of Article 249 EC and Article 2 of that decision;
2. Orders the Slovak Republic to pay the costs.

(<sup>1</sup>) OJ C 102, 01.05.2009.

**Judgment of the Court (Second Chamber) of 22 December 2010 (reference for a preliminary ruling from the Tribunale amministrativo regionale del Lazio (Italy)) — Gowan Comércio Internacional e Serviços Lda v Ministero della Salute**

(Case C-77/09) (<sup>1</sup>)

*(Plant protection products — Directive 2006/134/EC — Validity — Restrictions on the use of fenarimol as an active substance)*

(2011/C 63/04)

Language of the case: Italian

**Referring court**

Tribunale amministrativo regionale del Lazio

**Parties to the main proceedings**

*Applicant:* Gowan Comércio Internacional e Serviços Lda

*Defendant:* Ministero della Salute

**Re:**

Reference for a preliminary ruling — Tribunale Amministrativo Regionale del Lazio — Validity, as regards the limitations on the

use of fenarimol as an active substance, of Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1)

**Operative part of the judgment**

*Consideration of the question referred for a preliminary ruling has disclosed nothing to affect the validity of Commission Directive 2006/134/EC of 11 December 2006 amending Council Directive 91/414/EEC to include fenarimol as active substance.*

(<sup>1</sup>) OJ C 102, 1.5.2009.

**Judgment of the Court (Fourth Chamber) of 22 December 2010 (reference for a preliminary ruling from the Oberste Berufungs- und Disziplinarkommission — Austria) — proceedings brought by Robert Koller**

(Case C-118/09) (<sup>1</sup>)

*(‘Court or tribunal’ within the meaning of Article 234 EC — Recognition of diplomas — Directive 89/48/EEC — Lawyer — Entry on the professional roll of a Member State other than that in which the diploma was recognised as equivalent)*

(2011/C 63/05)

Language of the case: German

**Referring court**

Oberste Berufungs- und Disziplinarkommission

**Party to the main proceedings**

Robert Koller

**Re:**

Preliminary ruling — Oberste Berufungs- und Disziplinarkommission — Interpretation of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration (OJ 1989 L 19, p. 16) — Applicability of the directive in the case of an Austrian national who, on the basis of the confirmation of his Austrian degree as equivalent and of additional study at a Spanish university for less than three years, was registered with a chamber of lawyers in Spain and, after exercising his profession in Spain for three weeks, applies to be admitted to the aptitude test in order to qualify as a lawyer in Austria on the basis of the authorisation to exercise his profession in Spain