

JUDGMENT OF THE COURT

19 February 2002

in Case C-309/99 (Reference for a preliminary ruling from the Raad van State): J.C.J. Wouters, J.W. Savelbergh, Price Waterhouse Belastingadviseurs BV v Algemene Raad van de Nederlandse Orde van Advocaten⁽¹⁾

(Professional body — National Bar — Regulation by the Bar of the exercise of the profession — Prohibition of multi-disciplinary partnerships between members of the Bar and accountants — Article 85 of the EC Treaty (now Article 81 EC) — Association of undertakings — Restriction of competition — Justification — Article 86 of the Treaty (now Article 82 EC) — Undertaking or group of undertakings — Articles 52 and 59 of the EC Treaty (now, after amendment, Articles 43 and 49 EC) — Applicability — Restrictions — Justification)

(2002/C 109/05)

(Language of the case: Dutch)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-309/99: Reference to the Court under Article 234 EC by the Raad van State for a preliminary ruling in the proceedings pending before that court between J.C.J. Wouters, J.W. Savelbergh, Price Waterhouse Belastingadviseurs BV and Algemene Raad van de Nederlandse Orde van Advocaten, intervener: Raad van de Balies van de Europese Gemeenschap, on the interpretation of Articles 3(g) of the EC Treaty (now, after amendment, Article 3(1)(g) EC), 5 of the EC Treaty (now Article 10 EC), 52 and 59 of the EC Treaty (now, after amendment, Articles 43 and 49 EC), and 85, 86 and 90 of the EC Treaty (now Articles 81 EC, 82 EC and 86 EC), the Court, composed of: G.C. Rodríguez Iglesias, President, P. Jann, F. Macken, N. Colneric, and S. von Bahr (Presidents of Chambers), C. Gulmann, D.A.O. Edward, A. La Pergola, J.-P. Puissochet, M. Wathelet (Rapporteur), R. Schintgen, V. Skouris and J.N. Cunha Rodrigues, Judges; P. Léger, Advocate General; H. von Holstein, Registrar; Deputy Registrar, has given a judgment on 19 February 2002, in which it has ruled:

1. A regulation concerning partnerships between members of the Bar and other professionals, such as the Samenwerkingsverordening 1993 (1993 regulation on joint professional activity), adopted by a body such as the Nederlandse Orde van Advocaten (the Bar of the Netherlands), is to be treated as a decision adopted by an association of undertakings within the meaning of Article 85(1) of the Treaty (now Article 81 EC).

2. A national regulation such as the 1993 Regulation adopted by a body such as the Bar of the Netherlands does not infringe Article 85(1) of the Treaty, since that body could reasonably have considered that that regulation, despite effects restrictive of competition, that are inherent in it, is necessary for the proper practice of the legal profession, as organised in the Member State concerned.
3. A body such as the Bar of the Netherlands does not constitute either an undertaking or a group of undertakings for the purposes of Article 86 of the Treaty (now Article 82 EC).
4. It is not contrary to Articles 52 and 59 of the Treaty (now, after amendment, Articles 43 and 49 EC) for a national regulation such as the 1993 Regulation to prohibit any multi-disciplinary partnerships between members of the Bar and accountants, since that regulation could reasonably be considered to be necessary for the proper practice of the legal profession, as organised in the country concerned.

⁽¹⁾ OJ C 299 of 16.10.1999.

JUDGMENT OF THE COURT

(Sixth Chamber)

7 March 2002

in Case C-310/99: Italian Republic v Commission of the European Communities⁽¹⁾

(State aid — Guidelines on aid to employment — Measures intended to promote youth employment and convert fixed-term contracts into open-ended ones — Reduction of social security contributions)

(2002/C 109/06)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-310/99, Italian Republic (Agent: U. Leanza, assisted by O. Fiumara) v Commission of the European Communities (Agents: initially G. Rozet and P. Stancanelli, and, subsequently, G. Rozet and V. Di Bucci): Application for annulment of Commission Decision 2000/128/EC of 11 May 1999 concerning aid granted by Italy to promote employment (OJ 2000 L 42, p. 1) the Court (Sixth Chamber), composed of: N. Colneric

(Rapporteur), President of the Second Chamber, acting for the President of the Chamber, C. Gulmann, R. Schintgen, V. Skouris and J.N. Cunha Rodrigues, Judges; D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 7 March 1999, in which it:

1. *Dismisses the application;*
2. *Orders the Italian Republic to pay the costs.*

(¹) OJ C 299 of 16.10.1999.

JUDGMENT OF THE COURT

(Sixth Chamber)

5 March 2002

in Cases C-515/99, C-519/99 to C-524/99 and C-526/99 to C-540/99 (Reference for a preliminary ruling from the Unabhängiger Verwaltungssenat Salzburg): Hans Reisch e.a. v Bürgermeister der Landeshauptstadt Salzburg, Grundverkehrsbeauftragter des Landes Salzburg, Grundverkehrslandeskommission des Landes Salzburg (¹)

(Free movement of capital — Article 56 EC — Prior notification and authorisation procedure for the acquisition of building plots — Absence of purely internal situation)

(2002/C 109/07)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Joined Cases C-515/99, C-519/99 to C-524/99 and C-526/99 to C-540/99: Reference to the Court under Article 234 EC by the Unabhängiger Verwaltungssenat Salzburg (Austria) for a preliminary ruling in the proceedings pending before that court between Hans Reisch (C-515/99), Walter Riedl (C-527/99), Alexander Hacker (C-528/99), Gerhard Eckert (C-529/99), Franz Gstöttenbauer (C-530/99), Helmut Hechwarter (C-531/99), Alois Bixner (C-532/99), Geza Aumüller (C-533/99), Berthold Garstenauer (C-534/99 and C-536/99), Robert Eder (C-535/99), Hartmut Ramsauer (C-537/99 and C-538/99), Harald Kronberger (C-539/99), Erich Morianz (C-540/99) and Bürgermeister der Landeshauptstadt Salzburg, Grundverkehrsbeauftragter des Landes

Salzburg, on the interpretation of Articles 56 EC to 60 EC, the Court (Sixth Chamber), composed of: N. Colneric, President of the Second Chamber, acting for the President of the Sixth Chamber, C. Gulmann, J.-P. Puissechet (Rapporteur), R. Schintgen and V. Skouris, Judges; L.A. Geelhoed, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 5 March 2002, in which it has ruled:

Articles 56 EC to 60 EC:

- *do not preclude a prior notification procedure such as that laid down by the scheme for the acquisition of land established by the Salzburger Grundverkehrsgesetz 1997;*
- *preclude a prior authorisation procedure such as that laid down by that scheme.*

(¹) OJ C 79 of 18.3.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

27 February 2002

in Case C-6/00 (Reference for a preliminary ruling from the Verwaltungsgerichtshof): Abfall Service AG (ASA) v Bundesminister für Umwelt, Jugend und Familie (¹)

(Environment — Waste — Regulation (EEC) No 259/93 on shipments of waste — Competence of the authority of dispatch to scrutinise the classification of the purpose of a shipment (recovery or disposal) and to object to a shipment on the ground of an incorrect classification — Directive 75/442/EEC on waste — Classification of deposit of waste in a disused mine)

(2002/C 109/08)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-6/00: Reference to the Court under Article 234 EC by the Verwaltungsgerichtshof (Austria) for a preliminary ruling in the proceedings pending before that court between Abfall Service AG (ASA) and Bundesminister für Umwelt, Jugend und Familie, on the interpretation of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the