

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