

JUDGMENT OF THE COURT**(Fourth Chamber)****of 28 October 2004****in Case C-4/04 Commission of the European Communities
v Republic of Austria ⁽¹⁾****(Failure of a Member State to fulfil its obligations — Directive 98/44/EC — Legal protection of biotechnological inventions — Failure to transpose within the prescribed period)**

(2005/C 6/33)

(Language of the case: German)

In Case C-4/04 Commission of the European Communities (Agents: K. Banks and C. Schmidt) v Republic of Austria (Agent: H. Dossi) — action under Article 226 EC for failure to fulfil obligations, brought on 8 January 2004 — the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, acting for the President of the Fourth Chamber, K. Schiemann and M. Ilešič (Rapporteur), Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, gave a judgment on 28 October 2004, in which it:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions, the Republic of Austria has failed to fulfil its obligations under that directive;
2. Orders the Republic of Austria to pay the costs.

⁽¹⁾ OJ C 47 of 21.2.2004.

JUDGMENT OF THE COURT**(Fourth Chamber)****of 28 October 2004****in Case C-5/04 Commission of the European Communities
v Federal Republic of Germany ⁽¹⁾****(Failure of a Member State to fulfil its obligations — Directive 98/44/EC — Legal protection of biotechnological inventions — Failure to transpose within the prescribed period)**

(2005/C 6/34)

(Language of the case: German)

In Case C-5/04 Commission of the European Communities (Agents: K. Banks and C. Schmidt) v Federal Republic of

Germany (Agent: M. Lumma) — action under Article 226 EC for failure to fulfil obligations, brought on 9 January 2004 — the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, acting for the President of the Fourth Chamber, K. Schiemann and M. Ilešič (Rapporteur), Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, gave a judgment on 28 October 2004, in which it:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions, the Federal Republic of Germany has failed to fulfil its obligations under that directive;
2. Orders the Federal Republic of Germany to pay the costs.

⁽¹⁾ OJ C 47 of 21.2.2004.

JUDGMENT OF THE COURT**(Fifth Chamber)****of 18 November 2004****in Case C-78/04 Commission of the European Communities
v Republic of Austria ⁽¹⁾****(Failure of a Member State to fulfil its obligations — Directive 96/61/EC — Integrated pollution prevention and control)**

(2005/C 6/35)

(Language of the case: German)

In Case C-78/04 Commission of the European Communities (Agents: U. Wölker and M. Konstantinidis) v Republic of Austria (Agent: E. Riedl) — action under Article 226 EC for failure to fulfil obligations, brought on 18 February 2004 — the Court (Fifth Chamber), composed of: C. Gulmann, acting for the President of the Fifth Chamber, R. Schintgen and P. Kūris (Rapporteur), Judges; J. Kokott, Advocate General; R. Grass, Registrar, gave a judgment on 18 November 2004, in which it: