

Re:

Appeal brought against the judgment of the Court of First Instance (Fourth Chamber) of 5 October 2005 in Joined Cases T-366/03 *Land Oberösterreich v Commission* and T-235/04 *Austria v Commission* by which the Court of First Instance dismissed actions seeking annulment of Commission Decision 2003/653/EC of 2 September 2003 relating to national provisions on banning the use of genetically modified organisms in the region of Upper Austria notified by the Republic of Austria pursuant to Article 95(5) of the EC Treaty — National provisions derogating from a harmonisation measure justified by a problem specific to a Member State

Operative part of the judgment

The Court:

- 1) Dismisses the appeals;
- 2) Orders the *Land Oberösterreich* and the Republic of Austria to pay the costs.

⁽¹⁾ OJ C 48, 25.2.2006.
OJ C 60, 11.3.2006.

Judgment of the Court (Second Chamber) of 13 September 2007 — Common Market Fertilizers SA v Commission of the European Communities

(Case C-443/05 P) ⁽¹⁾

(Appeal — Anti-dumping duties — Article 239 of the Customs Code — Remission of import duties — First paragraph of Article 907 of Regulation (EEC) No 2454/93 — Interpretation — Legality — Commission decision — Group of experts meeting in the framework of the Customs Code Committee — Distinct entity in functional terms — Articles 2 and 5(2) of Council Decision 1999/468/EC — Article 4 of the rules of procedure of the Customs Code Committee — Conditions for the application of Article 239 of the Customs Code — No obvious negligence)

(2007/C 269/19)

Language of the case: French

Parties

Appellant: Common Market Fertilizers SA (represented by: A. Sutton, Barrister, and N. Flandin, avocat)

Other party to the proceedings: Commission of the European Communities (represented by: X. Lewis, Agent)

Re:

Appeal seeking to have set aside the judgment of the Court of First Instance of 27 September 2005 in Joined Cases T-134/03 and T-135/03 *Common Market Fertilizers v Commission* by which the Court dismissed the actions for annulment of Commission Decisions C(2002) 5217 final and C(2002) 5218 final of 20 December 2002 declaring the remission of import duties to be unjustified in a particular case.

Operative part of the judgment

The Court:

- 1) Dismisses the appeal;
- 2) Orders *Common Market Fertilizers SA* to pay the costs.

⁽¹⁾ OJ C 36, 11.2.2006.

Judgment of the Court (Fourth Chamber) of 13 September 2007 (reference for a preliminary ruling from the Oberster Gerichtshof, Austria) — Mohamed Jouini, Okay Gönen, Hasan Bajric, Gerald Huber, Manfred Ortner, Sükran Karacatepe, Franz Mühlberger, Nakil Bakii, Hannes Kranzler, Jürgen Mörth, Anton Schneeberger, Dietmar Susteric, Sascha Wörnhör, Aynur Savci, Elena Peter, Egon Schmöger, Mehmet Yaman, Dejan Preradovic, Andreas Mitter, Wolfgang Sorger, Franz Schachenhofer, Herbert Weiss, Harald Kaineder, Ognen Stajkovski, Jovica Vidovic v Princess Personal Service GmbH (PPS)

(Case C-458/05) ⁽¹⁾

(Social policy — Directive 2001/23/EC — Safeguarding of employees' rights — Transfer of undertakings — Concept of 'Transfer' — Temporary employment business)

(2007/C 269/20)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Mohamed Jouini, Okay Gönen, Hasan Bajric, Gerald Huber, Manfred Ortner, Sükran Karacatepe, Franz Mühlberger, Nakil Bakii, Hannes Kranzler, Jürgen Mörth, Anton Schneeberger, Dietmar Susteric, Sascha Wörnhör, Aynur Savci, Elena Peter, Egon Schmöger, Mehmet Yaman, Dejan Preradovic, Andreas Mitter, Wolfgang Sorger, Franz Schachenhofer, Herbert Weiss, Harald Kaineder, Ognen Stajkovski, Jovica Vidovic.

Defendant: Princess Personal Service GmbH (PPS)