

JUDGMENT OF THE COURT

(Fifth Chamber)

of 15 July 2004

in Case C-407/03: Commission of the European Communities against Republic of Finland ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Conservation of natural habitats — Wild fauna and flora)

(2004/C 228/28)

(Language of the case: Finnish)

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

In Case C-407/03: Commission of the European Communities (Agents: M. van Beek and M. Huttunen) against Republic of Finland (Agent: A. Guimares-Purokoski) — application for a declaration that, by failing to provide a sufficient degree of legal certainty in its national law relating to the obligation to carry out for every project, including those subject to an environmental impact assessment, the appropriate assessment under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7), the Republic of Finland has failed to fulfil its obligations under that directive — the Court (Fifth Chamber), composed of: C. Gulmann, President of the Chamber, S. von Bahr and R. Silva de Lapuerta (Rapporteur), Judges; J. Kokott, Advocate General; R. Grass, Registrar, has given a judgment on 15 July 2004, the operative part of which is as follows:

1. By failing to provide a sufficient degree of legal certainty in its national law relating to the obligation to carry out an appropriate assessment for every project, including those subject to an environmental impact assessment, the Republic of Finland has failed to fulfil its obligations under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
2. The Republic of Finland is ordered to pay the costs.

⁽¹⁾ OJ C 275 of 15.11. 2003.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 15 July 2004

in Case C-419/03: Commission of the European Communities against French Republic ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Partial failure to transpose — Burden of proof — Directive 2001/18/EC)

(2004/C 228/29)

(Language of the case: French)

In Case C-419/03: Commission of the European Communities (Agents: U. Wölker and F. Simonetti) against French Republic (Agents: G. de Bergues and D. Petrausch) — application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ 2001 L 106, p. 1) or, in any event, by failing to inform the Commission thereof, the French Republic has failed to fulfil its obligations under that directive — the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, President of the Chamber, N. Colneric and K. Schiemann (Rapporteur), Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, has given a judgment on 15 July 2004, the operative part of which is as follows:

1. By failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to transpose into national law the provisions of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC which differ from or go beyond those of Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms, the French Republic has failed to fulfil its obligations under Directive 2001/18.
2. The remainder of the action is dismissed.
3. Each party is to bear its own costs.

⁽¹⁾ OJ C 275 of 15.11.2003.