

**Judgment of the Court (Fourth Chamber) of 14 April 2011
— European Commission v Romania**

(Case C-522/09) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Special protection areas — Areas designated insufficient in number and size — Irregularity of the pre-litigation procedure — Inadmissibility of the action)

(2011/C 179/06)

Language of the case: Romanian

Parties

Applicant: European Commission (represented by: D. Recchia and L. Bouyon, acting as Agents)

Defendant: Romania (represented by: A. Popescu, L.-E. Batagoi, M.-L. Colonescu, A.-R. Arşinel and J.S. Smaranda)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 4(1) and (2) of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1) — Classification as special protection areas of areas insufficient in number and size, failing in part to have regard to the sites identified in the IBA Inventory — Alteration without scientific basis

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible;
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 51, 27.2.2010.

**Judgment of the Court (Third Chamber) of 14 April 2011
(reference for a preliminary ruling from the Raad van State
(Belgium)) — Vlaamse Dierenartsenvereniging VZW
(C-42/10, C-45/10 and C-57/10), Marc Janssens (C-42/10
and C-45/10) v Belgische Staat**

(Joined Cases C-42/10, C-45/10 and C-57/10) ⁽¹⁾

(Veterinary and zootechnical sector — Regulation (EC) No 998/2003 — Animal health conditions applicable to non-commercial movement of pet animals — Decision 2003/803/EC — Model passport for the intra-Community movements of dogs, cats and ferrets)

(2011/C 179/07)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicants: Vlaamse Dierenartsenvereniging VZW, Marc Janssens (C-42/10, C-45/10 and C-57/10), Marc Janssens (C-42/10 and C-45/10)

Defendant: Belgische Staat

Intervening party: Luk Vangheluwe (C-42/10)

Re:

Reference for a preliminary ruling — Raad van State — Interpretation of Articles 3(b), 4(2), 5 and the second paragraph of Article 17 of Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ 2003 L 146, p. 1) and of Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets (OJ 2003 L 312, p. 1) — National provisions requiring the inclusion in every passport of a unique number consisting of 13 characters (ISO code, followed by the identification number of the distributor and a serial number) — Means of proof of identification and registration of dogs — Data relating to the owner of the animal

Operative part of the judgment

1. Articles 3(b), 4(2), 5 and the second paragraph of Article 17 of Regulation No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC and the articles of and annexes to Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets must be interpreted as meaning that they do not preclude national legislation which lays down a numbering system for pet passports comprising a unique number consisting of the two-letter ISO code for the Member State concerned followed by the identification number of the authorised distributor consisting of two digits and a serial number consisting of nine digits, provided that that legislation guarantees the uniqueness of that identification number.
2. Articles 3(b), 4(2), 5 and the second paragraph of Article 17 of Regulation No 998/2003 and the articles of and annexes to Decision 2003/803 must be interpreted as:

— not precluding legislation, such as that at issue in the main proceedings, under which a pet passport is used not only as a travel document pursuant to European Union legislation but also as proof of identification and registration of dogs at a national level,