

2. Orders Deutsche Post AG and DHL Express (Italy) Srl, formerly DHL International Srl, to pay the costs;

3. Orders the Italian Republic to bear its own costs.

**Judgment of the Court (First Chamber) of 23 February 2006 —
Commission v Finland**

(Case C-232/03)

(Failure of a Member State to fulfil obligations — Workers — Freedom of movement
— Use of vehicles registered abroad and made available to the worker by the
employer residing abroad)

*Freedom of movement for workers — Workers — Restrictions (Art. 39 EC) (see paras
49-52, 55, operative part 1)*

Re:

Failure of a Member State to fulfil obligations — Articles 10 EC and 39 EC —
Conditions for the use by workers residing in Finland and employed abroad of
vehicles registered abroad and made available to them by the employer

Operative part

The Court:

1. Declares that, by preventing cross-frontier workers residing in Finland and employed in another Member State from benefiting from the use of company vehicles which are made available by their employers established in another Member State and registered in the latter State on the sole ground that the cross-frontier workers concerned reside on Finnish territory, into which the vehicles belonging to their employers have been imported,

and

by preventing the cross-frontier workers concerned from benefiting, for professional and private purposes, from the use of company vehicles which are made available by their employers established in another Member State and registered in the latter State, while those vehicles are neither intended to be used mainly in Finland on a permanent basis nor, in fact, used in that way, on the sole ground that those workers reside on Finnish territory, into which the vehicles belonging to their employers have been imported,

the Republic of Finland has failed to fulfil its obligations under Article 39 EC;

2. Dismisses the remainder of the application;
3. Orders each party to bear its own costs;
4. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.