

At its meeting on 15 January 2008, the Court drew up the list referred to in the first subparagraph of Article 11c(2) of the Rules of Procedure for determining the composition of the First Chamber as follows:

Mr Tizzano

Mr Kasel

Mr Borg Barthet

Mr Levits

Mr Ilešič

At its meeting on 15 January 2008, the Court drew up the list referred to in the second subparagraph of Article 11c(2) of the Rules of Procedure for determining the composition of the Fifth Chamber as follows:

Mr Borg Barthet

Mr Ilešič

Mr Levits

Mr Kasel

Judgment of the Court (Grand Chamber) of 18 December 2007 — Commission of the European Communities v Ireland

(Case C-532/03) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Public procurement — Articles 43 EC and 49 EC — Emergency ambulance services)

(2008/C 51/05)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: K. Wiedner and X. Lewis, Agents, and J. Flynn QC)

Defendant: Ireland (represented by: D. O'Hagan, Agent, A. Collins SC, E. Regan SC and C. O'Toole, Barrister)

Intervener in support of the defendant: Kingdom of the Netherlands (represented by: H.G. Sevenster, C. Wissels and P. van Ginneken, Agents)

Re:

Failure of a Member State to fulfil obligations — Breach of Articles 43 EC and 49 EC — Arrangements for the provision of an emergency ambulance service — Obligation to arrange prior advertising — Principles of transparency, equality and non-discrimination

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders the Commission of the European Communities to pay the costs.*

⁽¹⁾ OJ C 85, 3.4.2004.

Judgment of the Court (Second Chamber) of 13 December 2007 — Commission of the European Communities v Ireland

(Case C-418/04) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Articles 4 and 10 — Transposition and application — IBA 2000 — Value — Quality of the data — Criteria — Margin of discretion — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Article 6 — Transposition and application)

(2008/C 51/06)

Language of the case: English

Parties

Applicant: Commission of the European Communities (B. Doherty and M. van Beek, Agents)

Defendant: Ireland (represented by D. O'Hagan, Agent, E. Cogan, Barrister, and G. Hogan SC)

Interveners in support of the defendant: Hellenic Republic, (represented by: E. Skandalou, Agent), Kingdom of Spain (represented by N. Díaz Abad)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 4 and 10 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1) — Breach of Article 6 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)

Operative part of the judgment

The Court:

1. Declares that, by failing:

- to classify, since 6 April 1981, in accordance with Article 4(1) and (2) of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, as amended by Commission Directive 97/49/EC of 29 July 1997, all the most suitable territories in number and size for the species mentioned in Annex I to that directive, with the exception of those intended to ensure conservation of the Greenland white-fronted goose (*Anser albifrons flavirostris*), as well as for regularly occurring migratory species not mentioned in Annex I, with the exception of those intended to ensure protection of the lapwing (*Vanellus vanellus*), the redshank (*Tringa totanus*), the snipe (*Gallinago gallinago*) and the curlew (*Numenius arquata*);
- to ensure that, since 6 April 1981, the provisions of the first sentence of Article 4(4) of Directive 79/409, as amended by Directive 97/49, are applied to areas requiring classification as special protection areas under that directive;
- to transpose and apply the provisions of the second sentence of Article 4(4) of Directive 79/409, as amended by Directive 97/49, fully and correctly;
- to take all the measures necessary to comply with Article 6(2) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora in respect of all special protection areas classified under Article 4(1) of Directive 79/409, as amended by Directive 97/49, or recognised under Article 4(2) of that directive;
- to take all the measures necessary to comply with Article 6(2) of Directive 92/43 in respect of recreational use of all sites intended to be subject to that article;
- to take all the measures necessary to comply with Article 6(3) and (4) of Directive 92/43 in respect of plans;
- to take all the measures necessary to comply with Article 6(3) of Directive 92/43 in respect of authorisation of aquaculture programmes;
- to take all the measures necessary to comply with Article 6(2) to (4) of Directive 92/43 in respect of the drain maintenance works in the Glen Lough special protection area; and
- to take all the measures necessary to comply with Article 10 of Directive 79/409, as amended by Directive 97/49,

Ireland has failed to fulfil its obligations under Articles 4(1), (2) and (4), and 10 of Directive 79/409, as amended by Directive 97/49, and Article 6(2) to (4) of Directive 92/43.

2. Dismisses the remainder of the action.

3. Orders Ireland to pay the costs.

4. Orders the Hellenic Republic and the Kingdom of Spain to bear their own costs.

(¹) OJ C 6, 8.1.2005.

Judgment of the Court (Grand Chamber) of 18 December 2007 — Kingdom of Sweden v IFAW Internationaler Tierschutz-Fonds gGmbH, formerly Internationaler Tierschutz-Fonds (IFAW) GmbH, Kingdom of Denmark, Kingdom of the Netherlands, United Kingdom of Great Britain and Northern Ireland, Commission of the European Communities

(Case C-64/05 P) (¹)

(Appeal — Regulation (EC) No 1049/2001 — Public access to documents of the institutions — Documents originating from a Member State — Objection of the Member State to disclosure of the documents — Scope of Article 4(5) of the Regulation)

(2008/C 51/07)

Language of the case: English

Parties

Appellant: Kingdom of Sweden (represented by K. Wistrand, Agent)

Intervener in support of the appellant: Republic of Finland (represented by E. Bygglin and A. Guimaraes-Purokoski, Agents)

Other parties to the proceedings: IFAW Internationaler Tierschutz-Fonds gGmbH, formerly Internationaler Tierschutz-Fonds (IFAW) GmbH (represented by S. Crosby, Solicitor, and R. Lang, avocat), Kingdom of Denmark (represented by B. Weis Fogh, Agent), Kingdom of the Netherlands (represented by H.G. Sevenster, C.M. Wissels and M. de Grave, Agents), United Kingdom of Great Britain and Northern Ireland (represented by S. Nwaokolo and V. Jackson, Agents, and J. Stratford, Barrister), Commission of the European Communities (represented by C. Docksey and P. Aalto, Agents)

Intervener in support of the respondent: Kingdom of Spain (represented by I. del Cuvillo Contreras and A. Sampol Pucurull, Agents)