

**Judgment of the Court (Third Chamber) of 26 March 2009
— Commission of the European Communities v Hellenic Republic**

(Case C-559/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Social policy — Article 141 EC — Equal pay for male and female workers — National civil and military pension regime — Different treatment with regard to retirement age and minimum required service — Justification — Absence)

(2009/C 113/16)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Patakia and M. van Beek, acting as Agents)

Defendant: Hellenic Republic (represented by: F. Spathopoulos, K. Bokovits, A. Samoni-Rantou, E.-M. Mamouna and S. Vodina, Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 141 EC — Infringement of the principle of equal pay for male and female workers — National civil and military retirement pensions regime prescribing a retirement age that can vary according to sex

Operative part of the judgment

The Court:

1. Declares that, by maintaining in force provisions which provide for differences between male and female workers with regard to retirement age and minimum required service under the Greek Civil and Military Pensions Code instituted by Presidential Decree No 166/2000 of 3 July 2000, in the version applicable to the present case, the Hellenic Republic has failed to fulfil its obligations under Article 141 EC;
2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 37, 9.2.2008.

**Judgment of the Court (First Chamber) of 19 March 2009
— Commission of the European Communities v Republic of Finland**

(Case C-10/08) ⁽¹⁾

(Taxation in Finland of second-hand vehicles imported from other Member States — Compatibility of national legislation with the first paragraph of Article 90 EC, the Sixth VAT Directive and Directive 2006/112/EC)

(2009/C 113/17)

Language of the case: Finnish

Parties

Applicant: Commission of the European Communities (represented by: I. Koskinen and D. Triantafyllou, Agents)

Defendant: Republic of Finland (represented by: J. Heliskoski, Agent)

Re:

Failure by a Member State to fulfil obligations — Infringement of Article 90 EC and Article 17(1) and (2) of Directive 77/388/EEC: Sixth Council Directive of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1), now Articles 167 and 168 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — National legislation providing for value added tax on the tax on vehicles and a right to deduct the corresponding amount from output value added tax — Application of the same taxable value to vehicles under three months old and to new vehicles — Application of a level of depreciation of 0,8 % per month to vehicles under six months old where there are no equivalent vehicles on the national market

Operative part of the judgment

The Court hereby:

1. Declares that, by allowing the tax referred to in Article 5 of Law No 1482/1994 on vehicle tax (*autoverolaki* (1482/1994)) of 29 December 1994 to be deducted from the value added tax, pursuant to Article 102(1)(4) of Law No 1501/1993 on value added tax (*arvonlisäverolaki* (1501/1993)) of 30 December 1993, the Republic of Finland has failed to fulfil its obligations under the first paragraph of Article 90 EC and Article 17(1) and (2) of Directive 77/388/EEC: Sixth Council Directive of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, reproduced in Articles 167 and 168 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax;