Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Commission Regulation (EC) No 1832/2002 of 1 August 2002 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2002 L 290, p. 1) — Optical-electrical circuit that is an integral part of a machine enclosed in a plastic case containing a light emitting diode ('LED'), a plastic film and a photodetector and amplifying circuit and is intended for incorporation in communication and computer equipment, consumer electronics and industrial machines — Headings 8541, 8542 and 8543 of the CN

Operative part of the judgment

The Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 1832/2002 of 1 August 2002, must be interpreted as meaning that an optocoupler, regardless of whether not it contains an amplifying circuit, falls within heading 8541.

([1]) OJ C 283, 24.11.2007.

Judgment of the Court (Third Chamber) of 25 September 2008 (reference for a preliminary ruling from the Verwaltungsgericht Gießen — Germany) — Hakan Er v Wetteraukreis

(Case C-453/07) ([1])

(EEC-Turkey Association Agreement — Decision No 1/80 of the Association Council — Article 7, first paragraph, second indent — Right of residence of the adult child of a Turkish worker — Absence of paid employment — Conditions governing the loss of acquired rights)

(2008/C 301/22)

Language of the case: German

Referring court

Verwaltungsgericht Gießen

Parties to the main proceedings

Applicant: Hakan Er

Defendant: Wetteraukreis

Re:

Reference for a preliminary ruling — Verwaltungsgericht Gießen — Interpretation of the second indent of the first paragraph of Article 7 of Decision No 1/80 of the Association Council of 19 September 1980 on the Development of the Association and of Article 59 of the Additional Protocol on the transitional phase laid down under the Agreement establishing an Association between the European Economic Community and Turkey, signed on 23 November 1970 and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972 (JO 1972 L 293, p. 1) — Right of residence of a Turkish national who entered the territory of a Member State as a minor for the purpose of family reunification — Loss of the right of residence — No lawful pursuit of an economic activity after the party in question attained majority

Operative part of the judgment

A Turkish national, who was authorised to enter the territory of a Member State as a child in the context of a family reunion, and who has acquired the right to take up freely any paid employment of his choice under the second indent of the first paragraph of Article 7 of Decision No 1/80 of 19 September 1980 on the Development of the Association, adopted by the Association Council established by the Association Agreement between the European Economic Community and Turkey, does not lose the right of residence in that State, which is the corollary of that right of free access, even though, at the age of 23, he has not been in paid employment since leaving school at the age of 16 and has taken part in government job-support schemes without, however, completing them.

([1]) OJ C 297, 8.12.2007.

Judgment of the Court (Sixth Chamber) of 2 October 2008 — Commission of the European Communities v Hellenic Republic

(Case C-36/08) ([1])

(Failure of a Member State to fulfil obligations — Directive 93/16/EEC — Specific training required to practise as a general practitioner — Incorrect transposition)

(2008/C 301/23)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: G. Zavvos and H. Støvlbæk, acting as Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 30, 31 and 36 of Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ 1993 L 165, p. 1) — Specific training required to practise as a general practitioner

Operative part of the judgment

The Court:

1. *Declares that, by adopting and maintaining in force rules such as Article 29(d.1) and (d.2) of Law 3209/2003 which are not in compliance with Articles 30, 31 and 36 of Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications, as amended by Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001, the Hellenic Republic has failed to fulfil its obligations under Articles 30, 31 and 36 of that directive;*

2. *Dismisses the action as to the remainder;*

3. *Orders the Hellenic Republic to pay the costs.*

([1]) OJ C 92, 12.4.2008.

Judgment of the Court (Sixth Chamber) of 9 October 2008 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-70/08) ([1])

(Failure of a Member State to fulfil obligations — Directive 2003/72/EC — Statute for a European Cooperative Society — Involvement of employees in the decision-making of the society — Failure to transpose within the prescribed period)

(2008/C 301/24)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and J. Enegren, acting as Agents)

Defendant: Grand Duchy of Luxembourg (represented by: C. Schiltz, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt or notify, within the prescribed period, the provisions necessary to comply with Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees (OJ 2003 L 207, p. 25)

Operative part of the judgment

The Court:

1. *Declares that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees, or by not ensuring that management and labour introduce the required provisions by way of agreement, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 16(1) of that directive;*

2. *Orders the Grand-Duchy of Luxembourg to pay the costs.*

([1]) OJ C 116, 9.5.2008.

Judgment of the Court (Seventh Chamber) of 25 September 2008 — Commission of the European Communities v Czech Republic

(Case C-87/08) ([1])

(Failure to fulfil obligations — Directive 2006/73/EC — Measures implementing Directive 2004/39/EC — Organisational requirements and operating conditions for investment firms — Failure to adopt within the prescribed period)

(2008/C 301/25)

Language of the case: Czech

Parties

Applicant: Commission of the European Communities (represented by: P. Dejmek, acting as Agent)

Defendant: Czech Republic (represented by: M. Smolek, acting as Agent)

Re:

Failure of a Member State to fulfil its obligations — Failure to transpose Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ 2006 L 241, p. 26).

Operative part of the judgment

The Court:

1. *Declares that, by failing to adopt all such laws, regulations and administrative provisions necessary to comply with Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive, the Czech Republic has failed to fulfil its obligations under Article 53(1) of that directive;*