

2. Orders the Kingdom of Sweden to pay the costs.

(¹) OJ C 236, 13.9.2008.

Judgment of the Court (Sixth Chamber) of 29 October 2009 — Commission of the European Communities v Kingdom of Belgium

(Case C-474/08) (¹)

(Failure of a Member State to fulfil obligations — Failure to adopt all the provisions necessary to comply with Article 23(2) and (5) of Directive 2003/54/EC concerning common rules for the internal market in electricity — Powers of the regulatory authority in the electricity sector)

(2009/C 312/13)

Language of the case: French

Parties

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

Defendant: Kingdom of Belgium (represented by: C. Pochet, acting as Agent, and J. Scalais and O. Vanhulst, avocats)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt all the provisions necessary to comply with Article 23(2) and (5) of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC (OJ 2003 L 176, p. 37) — Powers of the regulatory authority in the electricity sector

Operative part of the judgment

The Court:

1. Declares that

- by failing to provide that cases of refusal of access to the electricity distribution or transmission systems may be submitted to the regulatory authority which must then issue a binding decision within a period of two months, in accordance with the provisions of Article 23(5) of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC, and
- by attributing to an authority other than the regulatory authority the power to define criteria which are decisive for the calculation of tariffs as regards certain electricity transmission installations, contrary to the provisions of Article 23(2)(a) of Directive 2003/54,

the Kingdom of Belgium has failed to fulfil its obligations under that directive;

2. Orders the Kingdom of Belgium to pay the costs.

(¹) OJ C 32, 07.02.2009.

Judgment of the Court (Seventh Chamber) of 29 October 2009 — Commission of the European Communities v Republic of Poland

(Case C-551/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2005/68/EC — Self-employed activity of reinsurance — Taking up and pursuit — National provisions prior to the directive — Failure to communicate or failure to transpose within the prescribed period)

(2009/C 312/14)

Language of the case: Polish

Parties

Applicant: Commission of the European Communities (represented by N. Yerrell and M. Kaduczak, acting as Agents)

Defendant: Republic of Poland (represented by M. Dowgielewicz, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt within the prescribed period all the measures necessary to comply with Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives 73/239/EEC, 92/49/EEC as well as Directives 98/78/EC and 2002/83/EC (OJ 2005 L 323, p. 1)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives 73/239/EEC, 92/49/EEC as well as Directives 98/78/EC and 2002/83/EC, and by failing to communicate to the Commission of the European Communities the text of the national provisions adopted in the field covered by that directive, the Republic of Poland has failed to fulfil its obligations under that directive, in particular Article 64;
2. Orders the Republic of Poland to pay the costs.

(¹) OJ C 55 of 7.3.2009.