

**Judgment of the Court (Seventh Chamber) of 4 June 2009
— Commission of the European Communities v Kingdom
of Sweden**

(Case C-555/08) ⁽¹⁾

(Failure by a Member State to fulfil obligations — Directive 2005/56/EC — Cross-border mergers of limited liability companies — Failure to transpose within the prescribed period)

(2009/C 180/40)

Language of the case: Swedish

Parties

Applicant: Commission of the European Communities (represented by: P. Dejmek and K. Nyberg, Agents)

Defendant: Kingdom of Sweden (represented by: A. Falk and A. Engman, Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, all the measures necessary to comply with Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies (OJ 2005 L 310, p. 1) — Financial institutions which require authorisation by a public body, in particular banks and insurance companies

Operative part of the judgment

The Court:

1. Declares that, by not adopting, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies, with regard to financial institutions which require authorisation by a public authority, in particular certain banks and insurance companies, the Kingdom of Sweden has failed to fulfil its obligations under that directive;
2. Orders the Kingdom of Sweden to pay the costs.

⁽¹⁾ OJ C 32, 7.2.2009.

**Order of the Court (Seventh Chamber) of 17 March 2009
(reference for a preliminary ruling from the Tribunale
ordinario di Milano, Italy) — Rita Mariano v Istituto
nazionale per l'assicurazione contro gli infortuni sul
lavoro (INAIL)**

(Case C-217/08) ⁽¹⁾

(Article 104(3) of the Rules of Procedure — Equal treatment in employment matters — Articles 12 EC and 13 EC — Grant of survivor's benefit — National provision laying down differences in treatment between surviving spouses and surviving cohabitantes)

(2009/C 180/41)

Language of the case: Italian

Referring court

Tribunale ordinario di Milano

Parties to the main proceedings

Applicant: Rita Mariano

Defendant: Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL)

Re:

Reference for a preliminary ruling — Tribunale Ordinario di Milano — Interpretation of Articles 12 and 13 EC — Equal treatment in employment matters — Grant of survivor's benefit — National provision laying down differences in treatment between surviving spouses and surviving partners who were in a life partnership.

Operative part

The application, which the courts of Member States must ensure, of the prohibition under Community law of all discrimination is not mandatory where the allegedly discriminatory treatment contains no link with Community law. In circumstances such as those at issue in the main proceedings, no such link arises from Articles 12 EC and 13 EC in themselves.

Those articles do not preclude, in those circumstances, national rules under which, in the event of the death of a person as a result of an accident, a pension amounting to 50 % of the remuneration received by that person before his death is paid solely to his surviving spouse and the infant child of the deceased receives only a pension amounting to 20 % of that remuneration.

⁽¹⁾ OJ C 197, 02.08.2008.