

administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, as amended by Council Directive 92/50/EEC of 18 June 1992, and Articles 1(1) and 2(1) of Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors;

2. Orders Ireland to pay the costs.

(¹) OJ C 32, 7.2.2009.

Judgment of the Court (Sixth Chamber) of 17 December 2009 — Commission of the European Communities v Federal Republic of Germany

(Case C-505/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2005/36/EC — Recognition of professional qualifications — Failure to transpose within the prescribed period)

(2010/C 51/16)

Language of the case: German

Parties

Applicant: European Commission (represented by: H. Støvlbæk and M. Adam, Agents)

Defendant: Federal Republic of Germany (represented by: M. Lumma and N. Graf Vitzthum, Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the specified time-limit, the necessary provisions to comply with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22)

Operative part of the judgment

1. By failing to adopt and communicate to the European Commission all the laws, regulations or administrative provisions necessary to transpose Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, the Federal Republic of Germany has failed to fulfil its obligations under that Directive.

2. The Federal Republic of Germany is ordered to pay the costs.

(¹) OJ C 19, 24.01.2009.

Judgment of the Court (Eighth Chamber) of 17 December 2009 (reference for a preliminary ruling from the Tribunale amministrativo regionale del Lazio — Italy) — Angelo Rubino v Ministero dell'Università e della Ricerca

(Case C-586/08) (¹)

(Directive 2005/36/EC — Recognition of diplomas — 'Regulated profession' — Selection of a predefined number of persons on the basis of a comparative assessment conferring a qualification limited in time — National academic qualification for appointment — University lecturer)

(2010/C 51/17)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale del Lazio

Parties to the main proceedings

Applicant: Angelo Rubino

Defendant: Ministero dell'Università e della Ricerca

Re:

Reference for a preliminary ruling — Tribunale Amministrativo Regionale del Lazio — Interpretation of Articles 3(1)(c) EC and 47(1) EC and of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications — National legislation which does not allow for the recognition of the professional qualification of university lecturer obtained in another Member State

Operative part of the judgment

The fact that access to a profession is reserved to candidates who have been successful in a procedure to select a predefined number of persons on the basis of a comparative assessment of the candidates rather than by application of absolute criteria, which confers a qualification the validity of which is strictly limited in time, does not mean that that profession constitutes a regulated profession within the meaning of Article 3(1)(a) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

Nevertheless, Articles 39 EC and 43 EC require qualifications obtained in other Member States to be accorded their proper value and to be duly taken into account in such a procedure.

(¹) OJ C 55, 7.3.2009.