

Questions referred

1. Is Article 25 of Annex I to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons ⁽¹⁾ to be interpreted as meaning that the obligation to treat as nationals for the purposes of the acquisition of immovable property applies only in relation to natural persons, but not to companies?
2. If the first question is answered in the affirmative:

Do the provisions of the Wiener Ausländergrunderwerbsgesetz (Viennese law on the purchase of real property by non-nationals; 'WrAuslGEG') which in the case of acquisition of immovable property by foreign companies as defined in point 3 of Paragraph 2 of the WrAuslGEG require the production of a certificate attesting to exemption from the requirement to obtain authorisation (Paragraph 5(4) and point 3 of Paragraph 3 of the WrAuslGEG) constitute a restriction on the free movement of capital (Article 56 EC) permitted under Article 57(1) EC in relation to Switzerland as a third country?

⁽¹⁾ OJ 2002 L 114, p. 6.

Action brought on 10 December 2008 — Commission of the European Communities v Ireland**(Case C-549/08)**

(2009/C 55/14)

*Language of the case: English***Parties**

Applicant: Commission of the European Communities (represented by: P. Dejmek, A.A. Gilly, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/70/EC ⁽¹⁾ of 1 August 2006 laying down implementing measures for Directive 2005/60/EC ⁽²⁾ of the European Parliament and of the Council as regards the definition of a 'politically exposed person' and the technical criteria for simplified customer due diligence and for exemption on grounds of a financial activity conducted on an occasional or very limited basis, or in any event by failing to communicate them to the Commission, Ireland has failed to fulfil its obligations under the Directive;
- order Ireland to pay the costs.

Pleas in law and main arguments

The period within which the directive had to be transposed expired on 15 December 2007.

⁽¹⁾ OJ L 214, p. 29.

⁽²⁾ OJ L 309, p. 15.

Action brought on 11 December 2008 — Commission of the European Communities v Republic of Poland**(Case C-551/08)**

(2009/C 55/15)

*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

Form of order sought

- declare that, by not adopting 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 ⁽¹⁾, and in any event by not informing the Commission of the adoption of those provisions, the Republic of Poland has failed to fulfil its obligations under Article 64 of that directive;
- order the Republic of Poland to pay the costs.

Pleas in law and main arguments

The period for transposition of Directive 2005/68/EC expired on 10 December 2007.

⁽¹⁾ OJ L 323 of 9.12.2005, p. 1.