

offset by the adoption of other safeguards or protective measures or concern only a limited category of workers having entered into a fixed-term employment contract, which it is for the national court to ascertain.

2. Because clause 8(3) of that framework agreement has no direct effect, it is for the national court, if it should be led to conclude that the national legislation at issue in the main proceedings is incompatible with European Union law, not to disapply that provision but, so far as possible, to give it an interpretation in conformity with Directive 1999/70 and with the objective pursued by that framework agreement.

(¹) OJ C 129, 6.6.2009.

Judgment of the Court (Fourth Chamber) of 17 June 2010 (References for a preliminary ruling from the Conseil d'État — Belgium) — Terre wallonne ASBL (C-105/09), Inter-Environnement Wallonie ASBL (C-110/09) v Région wallonne

(Joined Cases C-105/09 and C-110/09) (¹)

(Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Directive 91/676/EEC — Protection of waters against pollution caused by nitrates from agricultural sources — Action programmes in respect of vulnerable zones)

(2010/C 221/20)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: Terre wallonne ASBL (C-105/09), Inter-Environnement Wallonie ASBL (C-110/09)

Defendant: Région wallonne

Re:

Reference for a preliminary ruling — Conseil d'État — Interpretation of Article 5(1) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters

against pollution caused by nitrates from agricultural sources (OJ 1991 L 375, p. 1) and Art 3(2) and (4) of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ 2001 L 197, p. 30) — Drawing up of management plans relating to designated vulnerable zones — Nature and scope of the obligation — Necessary assessment of the impact of the nitrogen management plan on the environment

Operative part of the judgment

An action programme adopted pursuant to Article 5(1) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources is in principle a plan or programme covered by Article 3(2)(a) of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment since it constitutes a 'plan' or 'programme' within the meaning of Article 2(a) of the latter directive and contains measures compliance with which is a requirement for issue of the consent that may be granted for carrying out projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997.

(¹) OJ C 129, 06.06.2009.

Judgment of the Court (Seventh Chamber) of 25 March 2010 — European Commission v Hellenic Republic

(Case C-169/09) (¹)

(Failure of Member State to fulfil obligations — Ecodesign requirements for energy-using products — Failure to transpose within the prescribed period)

(2010/C 221/21)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: S. Schønberg and M. Karanasou Apostolopoulou, acting as Agents)

Defendant: Hellenic Republic (represented by: N. Dafniou, acting as Agent)

Re:

Failure of Member State to fulfil obligations — Failure to take, in the prescribed period, the provisions necessary to comply with Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council (OJ 2005 L 191, p. 29)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to comply with Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council, the Hellenic Republic has failed to fulfil its obligations under that directive;
2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 153, 4.7.2009

**Judgment of the Court (Seventh Chamber) of 24 June 2010
— European Commission v Hellenic Republic**

(Case C-478/09) (¹)

(Merger or division of public limited liability companies — Requirement of an independent expert's report — Failure to transpose within the prescribed period)

(2010/C 221/22)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: S. La Pergola and M. Karanasou Apostolopoulou, acting as Agents)

Defendant: Hellenic Republic (represented by: N. Dafniou and V. Karra, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to take within the prescribed period the measures necessary to comply

with Directive 2007/63/EC of the European Parliament and of the Council of 13 November 2007 amending Council Directives 78/855/EEC and 82/891/EEC as regards the requirement of an independent expert's report on the occasion of merger or division of public limited liability companies.

Operative part of the judgment

The Court:

1. Declares that, by not adopting the laws, regulations and administrative provisions necessary to comply with Directive 2007/63/EC of the European Parliament and of the Council of 13 November 2007 amending Council Directives 78/855/EEC and 82/891/EEC as regards the requirement of an independent expert's report on the occasion of merger or division of public limited liability companies or in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;
2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 24, 30.1.2010.

**Judgment of the Court (Grand Chamber) of 22 June 2010
(references for a preliminary ruling from the Cour de cassation (France)) — Proceedings against Aziz Melki (C-188/10) and Sélim Abdeli (C-189/10)**

(Joined Cases C-188/10 and C-189/10) (¹)

(Reference for a preliminary ruling — Article 267 TFEU — Examination of whether a national law is consistent both with European Union law and with the national constitution — National legislation granting priority to an interlocutory procedure for the review of constitutionality — Article 67 TFEU — Freedom of movement for persons — Abolition of border control at internal borders — Regulation (EC) No 562/2006 — Articles 20 and 21 — National legislation authorising identity checks in the area between the land border of France with States party to the Convention Implementing the Schengen Agreement and a line drawn 20 kilometres inside that border)

(2010/C 221/23)

Language of the case: French

Referring court

Cour de cassation