

Operative part of the judgment

The Court:

1. Declares that by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC, the Czech Republic has failed to fulfil its obligations under that directive;
2. Orders Czech Republic to pay the costs.

(¹) OJ C 24, 30.01.2010.

Judgment of the Court (Sixth Chamber) of 23 September 2010 — European Commission v Hellenic Republic

(Case C-24/10) (¹)

(Failure of a Member State to fulfil its obligations — Directive 2006/46/EC — Company law — Annual accounts and consolidated accounts of companies — Failure to transpose within the prescribed period)

(2010/C 317/22)

Language of the case: Greek

Parties

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

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

Re:

Failure of a Member State to fulfil its obligations — Failure to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings (OJ 2006 L 224, p. 1)

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 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives

78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings, the Hellenic Republic has failed to fulfil its obligations under that directive;

2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 63, 13.03.2010.

Judgment of the Court (Seventh Chamber) of 30 September 2010 — European Commission v Kingdom of Belgium

(Case C-36/10) (¹)

(Failure of a Member State to fulfil its obligations — Directives 96/82/EC and 2003/105/EC — Control of major-accident hazards involving dangerous substances — Second subparagraph of Article 12(1) — Incorrect transposition)

(2010/C 317/23)

Language of the case: French

Parties

Applicant: European Commission (represented by: A. Sipos and J.-B. Laignelot, acting as Agents)

Defendant: Kingdom of Belgium (represented by: T. Materne, acting as Agent.)

Re:

Failure of a Member State to fulfil its obligations — Failure to adopt all the measures to comply with Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (OJ 1997, L 10, p. 13), as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 (OJ 2003 L 345, p. 97)

Operative part of the judgment

The Court:

1. Declares that by failing to adopt within the prescribed period all the measures to correctly transpose the second subparagraph of Article 12(1) of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, as amended by Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003, 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 80, 27.03.2010.

Reference for a preliminary ruling from the Mora Kommun (Sweden) lodged on 21 August 2009 — Dan Bengtsson v Tele2 Sverige AB, Telenor Sverige AB, TeliaSonera Mobile Networks AB, Teracom

(Case C-344/09)

(2010/C 317/24)

Language of the case: Swedish

Referring court

Mora Kommun

Parties to the main proceedings

Applicant: Dan Bengtsson

Defendants: Tele2 Sverige AB, Telenor Sverige AB, TeliaSonera Mobile Networks AB, Teracom

Question referred

The environment and health committee of the Municipality of Mora seeks a preliminary ruling on the interpretation of Council Recommendation 1999/519/EC (¹) in relation to Article 174(2) EC. The question is whether the reference levels for electromagnetic fields set out in the Recommendation are to be interpreted as guidelines for the application of the precautionary principle, or whether that principle constitutes a complement to the Recommendation?

(¹) Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (OJ 1999 L 199, p. 59).

Reference for a preliminary ruling from the Magyar Köztársaság Legfelsőbb Bírósága (Hungary) lodged on 28 July 2010 — VALE Építési Kft.

(Case C-378/10)

(2010/C 317/25)

Language of the case: Hungarian

Referring court

Magyar Köztársaság Legfelsőbb Bírósága

Parties to the main proceedings

Applicant: VALE Építési Kft.

Questions referred

1. Must the host Member State pay due regard to Articles 43 and 48 EC when a company established in another Member State (the Member State of origin) transfers its seat to that host Member State and, at the same time and for this purpose, deletes the entry regarding it in the commercial register in the Member State of origin, and the company's owners adopt a new instrument of constitution under the laws of the host Member State, and the company applies for registration in the commercial register of the host Member State under the laws of the host Member State?
2. If the answer to the first question is yes, must Articles 43 and 48 EC be interpreted in such a case as meaning that they preclude legislation or practices of such a (host) Member State which prohibit a company established lawfully in any other Member State (the Member State of origin) from transferring its seat to the host Member State and continuing to operate under the laws of that State?
3. With regard to the response to the second question, is the basis on which the host Member State prohibits the company from registration of any relevance, specifically:
 - if, in its instrument of constitution adopted in the host Member State, the company designates as its predecessor the company established and deleted from the commercial register in the Member State of origin, and applies for the predecessor to be registered as its own predecessor in the commercial register of the host Member State?
 - in the event of international conversion within the Community, when deciding on the company's application for registration, must the host Member State take into consideration the instrument recording the fact of the transfer of company seat in the commercial register of the Member State of origin, and, if so, to what extent?
4. Is the host Member State entitled to decide on the application for company registration lodged in the host Member State by the company carrying out international conversion within the Community in accordance with the rules of company law of the host Member State as they relate to the conversion of domestic companies, and to require the company to fulfil all the conditions (e.g. drawing up lists of assets and liabilities and property inventories) laid down by the company law of the host Member State in respect of domestic conversion, or is the host Member State obliged under Articles 43 and 48 EC to distinguish international conversion within the Community from domestic conversion and, if so, to what extent?