

### Operative part of the judgment

Article 1(j) and (k) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems must be interpreted as meaning that, for the purpose of Article 19(1) or Article 20(1) and (2) of that regulation, where a European Union national who was resident in one Member State suffers a sudden serious illness while on holiday in a second Member State and is compelled to remain in the latter State for 11 years as a result of that illness and the fact that specialist medical care is available close to the place where he lives, such a person must be regarded as 'staying' in the second Member State if the habitual centre of his interests is in the first Member State. It is for the national court to determine the habitual centre of such a person's interests by carrying out an assessment of all the relevant facts and taking into account that person's intention, as may be discerned from those facts, the mere fact that that person has remained in the second Member State for a long time not being sufficient in itself alone for him to be regarded as residing in that Member State.

<sup>(1)</sup> OJ C 189, 29.6.2013.

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### Judgment of the Court (Ninth Chamber) of 22 May 2014 — European Commission v Italian Republic (Case C-339/13) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 1999/74/EC — Articles 3 and 5(2) — Ban on rearing laying hens in unenriched cage systems — Rearing of laying hens in cages which do not conform to the requirements of that directive)*

(2014/C 253/15)

Language of the case: Italian

### Parties

*Applicant:* European Commission (represented by: D. Bianchi and B. Schima, acting as Agents)

*Defendant:* Italian Republic (represented by: G. Palmieri, agent, F Urbani Neri, avvocato dello Stato)

### Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 3 and 5(2) of Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens (OJ 1999 L 203, p. 53)

### Operative part of the judgment

1. By having failed to ensure, from 1 January 2012, that laying hens are no longer reared in unenriched cage systems, the Italian Republic has failed to fulfil its obligations under Article 3 and 5(2) of Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.
2. The Italian Republic is ordered to pay the costs.

<sup>(1)</sup> OJ C 252, 31.8.2013.

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