

JUDGMENT OF THE COURT

of 21 September 1999

in Case C-378/97 (reference for a preliminary ruling from the Arrondissementsrechtbank te Rotterdam): criminal proceedings against Florus Ariël Wijsenbeek⁽¹⁾

(Freedom of movement for persons — Right of citizens of the European Union to move and reside freely — Border controls — National legislation requiring persons coming from another Member State to present a passport)

(1999/C 366/15)

(Language of the case: Dutch)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-378/97: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Arrondissementsrechtbank te Rotterdam, Netherlands, for a preliminary ruling in the criminal proceedings before that court against Florus Ariël Wijsenbeek — on the interpretation of Articles 7a and 8a of the EC Treaty (now, after amendment, Articles 14 EC and 18 EC) — the Court, composed of: G.C. Rodríguez Iglesias, President, P.J.G. Kapteyn, J.-P. Puissochet and P. Jann, Presidents of the Chamber, J.C. Moitinho de Almeida, C. Gulmann, J.L. Murray, D.A.O. Edward, H. Ragnemalm, L. Sevón (Rapporteur) and M. Wathelet, Judges; G. Cosmas, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, has given a judgment on 21 September 1999, in which it has ruled:

As Community law stood at the time of the events in question in the main proceedings, neither Article 7a nor Article 8a of the EC Treaty (now, after amendment, Articles 14 EC and 18 EC) precluded a Member State from requiring a person, whether or not a citizen of the European Union, under threat of criminal penalties, to establish his nationality upon his entry into the territory of that Member State by an internal frontier of the Community, provided that the penalties applicable are comparable to those which apply to similar national infringements and are not disproportionate, thus creating an obstacle to the free movement of persons.

⁽¹⁾ OJ No C 387 of 20.12.1997.

JUDGMENT OF THE COURT

(First Chamber)

of 21 September 1999

in Case C-362/98: Commission of the European Communities v Italian Republic⁽¹⁾

(Failure by a Member State to fulfil its obligations — Failure to transpose Directive 93/103/EC)

(1999/C 366/16)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-362/98: Commission of the European Communities (Agents: Pieter Jan Kuijper and Antonio Aresu) v Italian Republic (Agent: Umberto Leanza, assisted by Danilo Del Gaizo) — application for a declaration that, by failing to adopt and/or by not communicating to the Commission the laws, regulations and administrative provisions necessary to comply with Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ 1993 L 307, p. 1), the Italian Republic has failed to fulfil its obligations under the EC Treaty — the Court (First Chamber), composed of: P. Jann (Rapporteur), President of the Chamber, L. Sevón and M. Wathelet, Judges; J. Mischo, Advocate General; R. Grass, Registrar, has given a judgment on 21 September 1999, in which it:

1. Declares that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels (thirteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), the Italian Republic has failed to fulfil its obligations under Article 13(1) thereof;
2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ No C 358 of 21.11.1998.