

2. The fact that, in concluding a collective agreement specific to one undertaking, a domestic employer can pay wages lower than the minimum wage laid down in a collective agreement declared to be generally applicable, whilst an employer established in another Member State cannot do so, constitutes an unjustified restriction on the freedom to provide services.

(¹) OJ C 204 of 17.7.1999.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 29 November 2001

in Case C-202/99: Commission of the European Communities v Italian Republic (¹)

(Failure by a Member State to fulfil its obligations — Directive 78/687/EEC — Maintenance of a second system of training leading to entry to the profession of dentist — Maintenance of the possibility of dual registration in the register of doctors and in that of dentists for doctors mentioned in Article 19 of Directive 78/686/EEC)

(2002/C 84/06)

(Language of the case: Italian)

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

In Case C-202/99: Commission of the European Communities (Agents: E. Traversa and B. Mongin) v Italian Republic (Agent: U. Leanza, assisted by P. G. Ferri) — application for a declaration that, by maintaining a second system of training for entry into the dental profession, which is contrary to Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners (OJ 1978 L 233, p. 10), and by maintaining the possibility for doctors who practise as dentists to be doubly registered in the registers of medical and dental practitioners, the Italian Republic has failed to fulfil its obligations under that directive — the Court (Fifth Chamber), composed of: P. Jann, President of the Chamber, D.A.O. Edward (Rapporteur), A. La Pergola, L. Sevón and C.W.A. Timmermans, Judges; P. Léger, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 29 November 2001, in which it:

1. Declares that, by providing for a second system of training leading to entry to the profession of dentist, which does not comply with Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners, the Italian Republic has failed to fulfil its obligations under that directive.

2. Dismisses the remainder of the action.

3. Orders the Italian Republic and the Commission of the European Communities to pay their own costs.

(¹) OJ C 226 of 7.8.1999.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 29 November 2001

in Case C-221/99 (reference for a preliminary ruling from the Giudice di Pace di Genova): Giuseppe Conte v Stefania Rossi (¹)

(Architects' fees — Summary procedure for the recovery of debts — Opinion of the professional association — Articles 5 and 85 of the EC Treaty (now Articles 10 EC and 81 EC))

(2002/C 84/07)

(Language of the case: Italian)

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

In Case C-221/99: reference to the Court under Article 234 EC from the Giudice di Pace di Genova (Magistrate's Court, Genoa) (Italy) for a preliminary ruling in the proceedings pending before that court between Giuseppe Conte and Stefania Rossi — on the interpretation of Articles 5 and 85 of the EC Treaty (now Articles 10 EC and 81 EC) — the Court (Fifth Chamber), composed of: S. von Bahr, President of the Fourth Chamber, acting for the President of the Fifth Chamber, D.A.O. Edward, A. La Pergola, M. Wathelet (Rapporteur) and C.W.A. Timmermans, Judges; P. Léger, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 29 November 2001, in which it has ruled: