

JUDGMENT OF THE COURT

(Fifth Chamber)

8 January 2002

in Case C-507/99 (Reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven): Denkavit Nederland BV v Minister van Landbouw, Natuurbeheer en Visserij, Voedselvoorzienings- en verkoopbureau⁽¹⁾

(Agriculture — Combating bovine spongiform encephalopathy — Powers of the Member States — Decision to slaughter and determination of the timing of slaughter of United Kingdom calves during the bovine spongiform encephalopathy crisis in March 1996)

(2002/C 84/26)

(Language of the case: Dutch)

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

In Case C-507/99: reference to the Court under Article 234 EC by the College van Beroep voor het bedrijfsleven (Netherlands) for a preliminary ruling in the proceedings pending before that court between Denkavit Nederland BV and Minister van Landbouw, Natuurbeheer en Visserij, Voedselvoorzienings- en verkoopbureau, on the power of the Member States to order the slaughter of United Kingdom calves and determine its timing during the bovine spongiform encephalopathy crisis of March 1996 and on the interpretation of Article 8 of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (OJ 1990 L 224, p. 29), as amended by Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425 (OJ 1993 L 62, p. 49), the Court (Fifth Chamber), composed of: P. Jann, President of the Chamber, D.A.O. Edward, A. La Pergola, L. Sevón (Rapporteur) and M. Wathelet, Judges, Advocate General: F.G. Jacobs, Registrar: H.A. Rühl, Principal Administrator, has given a judgment on 8 January 2002, in which it has ruled:

The Community provisions applicable to the common agricultural policy in the beef and veal sector are to be interpreted as meaning that, in response to information concerning a possible link between

bovine spongiform encephalopathy and Creutzfeldt-Jakob disease in humans and to the bovine spongiform encephalopathy crisis in the United Kingdom, the Member States were entitled, under Article 8(1)(a) of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market, as amended by Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425:

- *to order the slaughter of young bovine animals originating from the United Kingdom present in their territory and*
- *consequently, to determine when their slaughter took place.*

⁽¹⁾ OJ C 79 of 18.3.2000

JUDGMENT OF THE COURT

(Fifth Chamber)

7 February 2002

in Case C-5/00: Commission of the European Communities v Federal Republic of Germany⁽¹⁾

(Failure by a Member State to fulfil its obligations — Directive 89/391/EEC — Measures to encourage improvements in the safety and health of workers at work — Articles 9(1)(a) and 10(3)(a) — Employer's duty to keep documents containing an assessment of the risks to safety and health at work)

(2002/C 84/27)

(Language of the case: German)

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

In Case C-5/00, Commission of the European Communities (Agent: M. Bogensberger) v Federal Republic of Germany (Agents: W.-D. Plessing and B. Muttelsee-Schön): Application for a declaration that, by exempting, under Paragraph 6(1) of the Gesetz über die Durchführung von Maßnahmen des Arbeitsschutzes zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Beschäftigten bei der Arbeit (Arbeitsschutzgesetz) [Law on the implementation of protective measures to improve the safety and health of employees at work (Law on safety and health at work)] of 7 August 1996

(BGBl. 1996 I, p. 1246), employers of 10 or fewer workers from the duty to keep documents containing the results of a risk assessment, the Federal Republic of Germany has failed to fulfil its obligations under Articles 5 and 189 of the EC Treaty (now Articles 10 EC and 249 EC) and Articles 9(1)(a) and 10(3)(a) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ 1989 L 183 p. 1). The Court (Fifth Chamber), composed of: S. von Bahr (Rapporteur), President of the Fourth Chamber, acting for the President of the Fifth Chamber, D.A.O. Edward, A. La Pergola, M. Wathelet and C.W.A. Timmermans, Judges, Advocate General: L.A. Geelhoed, Registrar: R. Grass, has given a judgment on 7 February 2002, in which it:

1. Declares that, by failing to ensure that the obligation to be in possession of an assessment in documentary form of the risks to safety and health at work, as laid down by Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, applies to employers of 10 or fewer workers in all circumstances, the Federal Republic of Germany has failed to fulfil its obligations under Articles 9(1)(a) and 10(3)(a) of that directive;
2. Orders the Federal Republic of Germany to pay the costs.

(¹) OJ C 135 of 13.5.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 29 November 2001

in Case C-17/00 (reference for a preliminary ruling from the Collège juridictionnel de la Région de Bruxelles-Capitale): *François De Coster v Collège des bourgmestre et échevins de Watermael-Boitsfort* (¹)

(Reference for a preliminary ruling — Definition of a national court or tribunal — Freedom to provide services — Municipal tax on satellite dishes — Restriction on the freedom to receive television programmes by satellite)

(2002/C 84/28)

(Language of the case: French)

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

In Case C-17/00: reference to the Court under Article 234 EC from the Collège juridictionnel de la Région de Bruxelles-

Capitale (Judicial Board of the Brussels-Capital region) (Belgium) for a preliminary ruling in the proceedings pending before that court between François De Coster and Collège des bourgmestre et échevins de Watermael-Boitsfort — on the interpretation of Article 59 of the EC Treaty (now, after amendment, Article 49 EC) and Articles 60 and 66 of the EC Treaty (now Articles 50 and 55 EC) — the Court (Fifth Chamber), composed of: P. Jann, President of the Chamber, S. von Bahr, D.A.O. Edward, A. La Pergola (Rapporteur) and M. Wathelet, Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 29 November 2001, in which it has ruled:

Article 59 of the EC Treaty (now, after amendment, Article 49 EC) and Articles 60 and 66 of the EC Treaty (now Articles 50 and 55 EC) must be interpreted as preventing the application of a tax on satellite dishes such as that introduced by Articles 1 to 3 of the tax regulation adopted on 24 June 1997 by the municipal council of Watermael-Boitsfort.

(¹) OJ C 102 of 8.4.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

7 February 2002

in Case C-28/00 (Reference for a preliminary ruling from the Oberster Gerichtshof): *Liselotte Kauer v Pensionsversicherungsanstalt der Angestellten*, (¹)

(Social security for migrant workers — Regulation (EEC) No 1408/71 — Articles 94(1), (2) and (3) — Old-age insurance — Periods of child-rearing completed in another Member State before the entry into force of Regulation No 1408/71)

(2002/C 84/29)

(Language of the case: German)

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

In Case C-28/00: Reference to the Court under Article 234 EC by the Oberster Gerichtshof (Austria) for a preliminary ruling in the proceedings pending before that court between Liselotte