

1. *The first paragraph of Article 1 of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland and by the Convention of 25 October 1982 on the Accession of the Hellenic Republic, must be interpreted as meaning that the concept of 'civil matters' encompasses an action under a right of recourse whereby a public body seeks from a person governed by private law recovery of sums paid by it by way of social assistance to the divorced spouse and the child of that person, provided that the basis and the detailed rules relating to the bringing of that action are governed by the rules of the ordinary law in regard to maintenance obligations. Where the action under a right of recourse is founded on provisions by which the legislature conferred on the public body a prerogative of its own, that action cannot be regarded as being brought in 'civil matters'.*
2. *Point 3 of the second paragraph of Article 1 of the Brussels Convention must be interpreted as meaning that the concept of 'social security' does not encompass the action under a right of recourse by which a public body seeks from a person governed by private law recovery in accordance with the rules of the ordinary law of sums paid by it by way of social assistance to the divorced spouse and the child of that person.*

(<sup>1</sup>) OJ C 259 of 9.9.2000.

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 14 November 2002

**in Case C-316/00: Commission of the European Communities v Ireland** (<sup>1</sup>)

**(Failure of a Member State to fulfil its obligations — Directive 80/778/EEC — Quality of water intended for human consumption — Incomplete implementation)**

(2002/C 323/17)

(Language of the case: English)

In Case C-316/00, Commission of the European Communities (Agent: R. B. Wainwright) v Ireland (Agent: D. J. O'Hagan,

assisted by E. Fitzsimons, and E. Galligan, BL): Application for a declaration that:

- by failing to ensure compliance with microbiological parameters 57 (total coliforms) and 58 (faecal coliforms) of Annex I to Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (OJ 1980 L 229, p. 11) in respect of certain public water supplies and certain group water supplies (other than those providing less than 10 m<sup>3</sup> a day as an average or serving fewer than 50 persons, unless the water is supplied as part of a commercial or public activity) identified in official drinking water reports and in correspondence concerning Ballycroy (Ireland), and
- by failing, in its implementing legislation, to reflect the binding character of the requirements of Annex I to the directive in relation to group water supplies, Ireland has failed to fulfil its obligations under Articles 7(6), 18 and 19 of that directive and under the EC Treaty,

the Court (Sixth Chamber), composed of: J.-P. Puissechet, President of the Chamber, R. Schintgen, V. Skouris, F. Macken and J. N. Cunha Rodrigues (Rapporteur), Judges; A. Tizzano, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 14 November 2002, in which it:

1. *Declares that:*

- *by failing to ensure compliance with microbiological parameters 57 (total coliforms) and 58 (faecal coliforms) of Annex I to Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption in respect of certain public water supplies and certain group water supplies (other than those providing less than 10 m<sup>3</sup> a day as an average or serving fewer than 50 persons, unless the water is supplied as part of a commercial or public activity) identified in official drinking water reports and in correspondence concerning Ballycroy, Ireland, and*

- *by failing, in its implementing legislation, to reflect the binding character of the requirements of Annex I to the*

*directive in relation to group water supplies, Ireland has failed to fulfil its obligations under Articles 7(6), 18 and 19 of that directive;*

2. Orders Ireland to pay the costs.

<sup>(1)</sup> OJ C 302 of 21.10.2002.

### JUDGMENT OF THE COURT

of 5 November 2002

**in Case C-325/00: Commission of the European Communities v Federal Republic of Germany** <sup>(1)</sup>

*(Free movement of goods — Measures having equivalent effect — Label of origin and quality)*

(2002/C 323/18)

*(Language of the case: German)*

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

In Case C-325/00, Commission of the European Communities (Agents: J. C. Schieferer and C. Schmidt) v Federal Republic of Germany (Agent: W.-D. Plessing, acting as Agent, assisted by M. Loschelder): Application for a declaration that by awarding the quality label 'Markenqualität aus deutschen Landen' (quality label for produce made in Germany) to finished products of a certain quality produced in Germany, the Federal Republic of Germany has failed to fulfil its obligations under Article 30 of the EC Treaty (now, after amendment, Article 28 EC), the Court, composed of: G. C. Rodríguez Iglesias, President, J.-P. Puissochet and M. Wathelet (Presidents of Chambers), C. Gulmann (Rapporteur), A. La Pergola, P. Jann, V. Skouris, F. Macken, N. Colneric, S. von Bahr and J. N. Cunha Rodrigues, Judges; F. G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 5 November 2002, in which it:

1. Declares that, by awarding the quality label 'Markenqualität aus deutschen Landen' (quality label for produce made in Germany) to finished products of a certain quality made in Germany, the Federal Republic of Germany has failed to fulfil its obligations under Article 30 of the EC Treaty (now, after amendment, Article 28 EC);
2. Orders the Federal Republic of Germany to pay the costs.

<sup>(1)</sup> OJ C 316 of 4.11.2000.

### JUDGMENT OF THE COURT

(Sixth Chamber)

of 7 November 2002

**in Case C-333/00 (Reference for a preliminary ruling from the Tarkastuslautakunta): Eila Päivikki Maaheimo** <sup>(1)</sup>

*(Regulation (EEC) No 1408/71 — Family benefits — Home child-care allowance — Residence condition for children)*

(2002/C 323/19)

*(Language of the case: Finnish)*

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

In Case C-333/00: Reference to the Court under Article 234 EC by the Tarkastuslautakunta (Finland) for a preliminary ruling in the proceedings pending before that court by Eila Päivikki Maaheimo, on the interpretation of Articles 4(1)(h), 10(a), 73 and 75 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996 (OJ 1997 L 28, p. 1), the Court (Sixth Chamber), composed of: R. Schintgen, President of the Second Chamber, acting for the President of the Sixth Chamber, V. Skouris, F. Macken, N. Colneric (Rapporteur) and J. N. Cunha Rodrigues, Judges; F. G. Jacobs, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 7 November 2002, in which it has ruled:

1. A benefit such as the home child-care allowance provided for by the Laki lasten kotihoidon ja yksityisen hoidon tuesta (Law No 1128/96 on home child-care allowance and private child-care allowance) is a family benefit within the meaning of Article 4(1)(h) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996.