

(Agents: G. de Bergues and D. Colas): Application for a declaration that, by failing in sufficient measure to classify as special protection areas the territories most suitable for the conservation of the species of wild bird referred to in Annex I to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1), as amended by Commission Directive 97/49/EC of 29 July 1997 (OJ 1997 L 223, p. 9), and of migratory species, and, in particular, by failing to classify a sufficiently large area of land on the Plaine des Maures (France) as a special protection area, the French Republic has failed to comply with its obligations under the Directive and has failed to fulfil its obligations under the EC Treaty, the Court (Sixth Chamber), composed of: J.-P. Puissechet, President of the Chamber, C. Gulmann (Rapporteur), F. Macken, N. Colneric and J.N. Cunha Rodrigues, Judges; S. Alber, Advocate General; R. Grass, Registrar, has given a judgment on 26 November 2002, in which it:

1. Declares that, by not in sufficient measure classifying as special protection areas the territories most suitable for the conservation of the species of wild bird referred to in Annex I to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, as amended by Commission Directive 97/49/EC of 29 July 1997, and of migratory species, and, in particular, by not classifying a sufficiently large area of the Plaine des Maures (France) as a special protection area, the French Republic has failed to comply with its obligations under Article 4(1) and (2) of that directive;
2. Orders the French Republic to pay the costs.

(<sup>1</sup>) OJ C 212 of 28.7.2001.

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 19 November 2002

**in Case C-319/01: Commission of the European Communities v Kingdom of Belgium (<sup>1</sup>)**

**(Failure by a Member State to fulfil its obligations — Assessment of the effects of certain projects on the environment — Directive 97/11/EC)**

(2003/C 7/10)

(Language of the case: French)

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

In Case C-319/01, Commission of the European Communities (Agents: G. zur Hausen and J. Adda) v Kingdom of Belgium

(Agents: initially F. van de Craen, and, subsequently, A. Snoecx): Application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ 1997 L 73, p. 5) or, alternatively, by failing to communicate them to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under that directive, the Court (Sixth Chamber), composed of: J.-P. Puissechet (Rapporteur), President of the Chamber, R. Schintgen, V. Skouris, F. Macken and J.N. Cunha Rodrigues, Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, has given a judgment on 19 November 2002, in which it:

1. Declares that, by failing to bring into force within the period prescribed all the laws, regulations and administrative provisions necessary to comply with Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, the Kingdom of Belgium has failed to fulfil its obligations under that directive.
2. Orders the Kingdom of Belgium to pay the costs.

(<sup>1</sup>) OJ C 289 of 13.10.2001.

## ORDER OF THE COURT

(Fourth Chamber)

of 5 November 2002

**in Case C-204/01 (reference for a preliminary ruling from the Verwaltungsgerichtshof): Tilmann Klett v Bundesministerin für Bildung, Wissenschaft und Kultur (<sup>1</sup>)**

**(Article 104(3) of the Rules of Procedure — Freedom to provide services — Directives 78/686/EEC and 93/16/EEC — Mutual recognition of diplomas, certificates and other evidence of formal qualifications — Access to training as a dental practitioner — Act of Accession of the Republic of Austria)**

(2003/C 7/11)

(Language of the case: German)

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

In Case C-204/01 P: reference to the Court under Article 234 EC from the Verwaltungsgerichtshof (Austria) for a preliminary ruling in the proceedings pending before that court between

Tilmann Klett and Bundesministerin für Bildung, Wissenschaft und Kultur — on the interpretation of Article 12 EC, Article 19 EC, Article 19b of Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services (OJ 1978 L 233, p. 1), as amended by the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ 1994 C 241, p. 21 and OJ 1995 L 1, p. 1), and Articles 3 and 9 of Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ 1993 L 165, p. 1), as amended by that act of accession — the Court (Fourth Chamber), composed of C.W.A. Timmermanns (Rapporteur), President of the Chamber, D.A.O. Edward and S. von Bahr, Judges: A. Tizzano, Advocate General; R. Grass, Registrar, has made an order on 5 November 2002, the operative part of which is as follows:

*Article 19b of Council Directive 78/686/EEC of 25 July 1978 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, as amended by the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, must be interpreted as meaning that a person whose qualification in general medical practice has not been awarded by an Austrian university cannot be admitted to the specialist training in dentistry given in that Member State.*

<sup>(1)</sup> OJ No C 227, 11.8.01.

## ORDER OF THE COURT

(Third Chamber)

of 5 November 2002

in Case C-321/01 P: *Agrana Zucker und Stärke AG* <sup>(1)</sup>

**(Appeal — State aid — Act of Accession of the Republic of Austria — Joint Declaration No 31 annexed to the Final Act of the Treaty of Accession of the Republic of Austria)**

(2003/C 7/12)

(Language of the case: German)

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

In Case C-321/01 P: *Agrana Zucker und Stärke AG*, established in Vienna (Austria) (Lawyers: W. Barfuß and H. Wollmann) — Appeal against the judgment of the Court of First Instance

of the European Communities (Fifth Chamber, Extended Composition) of 7 June 2001 in Case T-187/99 *Agrana Zucker und Stärke v Commission* [2001] ECR II-1587, seeking to have that judgment set aside, the other party to the proceedings being: Commission of the European Communities (Agents: M. Erhart and D. Triantafyllou) — the Court (Third Chamber), composed of J.-P. Puissechet, President of the Chamber, F. Macken and J.N. Cunha Rodrigues (Rapporteur), Judges: F.G. Jacobs, Advocate General; R. Grass, Registrar, has made an order on 5 November 2002, the operative part of which is as follows:

1. *The appeal is dismissed;*
2. *Agrana Zucker and Stärke AG shall pay the costs.*

<sup>(1)</sup> OJ No C 303, 27.10.01.

**Reference for a preliminary ruling by the Bundessozialgericht by order of that Court of 15 August 2002 in the case of Roberto Adanez-Vega against Bundesanstalt für Arbeit**

(Case C-372/02)

(2003/C 7/13)

Reference has been made to the Court of Justice of the European Communities by order of the Bundessozialgericht (Federal Social Court) of 15 August 2002, received at the Court Registry on 16 October 2002, for a preliminary ruling in the case of Roberto Adanez-Vega against Bundesanstalt für Arbeit on the following questions:

1. Is a person who claims benefits under German unemployment insurance more than two months after completing his compulsory national service in Spain subject to
  - (a) Spanish legislation under Article 13(2)(e) of Council Regulation (EEC) No 1408/71 of 14 June 1971 <sup>(1)</sup> 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 (EEC) No 2001/83 of 2 June 1983 <sup>(2)</sup>, as amended by Council Regulation (EEC) No 2195/91 of 25 June 1991 <sup>(3)</sup> — hereinafter, 'Regulation 1408/71' — or