

(Rapporteur) and A. Rosas, Judges; S. Alber, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 25 February 2003, in which it:

1. Declares that, by introducing and maintaining in force rate-freezing rules applicable to all contracts of insurance in respect of third-party liability arising from the use of motor vehicles in relation to risks situated within Italian territory, without distinguishing between insurance companies having their head office in Italy and those conducting their business in Italy through branch offices or under the freedom to provide services, in breach of the principle of freedom to set premiums referred to in Articles 6, 29 and 39 of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive), the Italian Republic has failed to fulfil its obligations under that directive;
2. Dismisses the remainder of the application;
3. Orders each party to bear its own costs.

(¹) OJ C 134 of 5.5.2001.

JUDGMENT OF THE COURT

of 6 March 2003

in Case C-213/01 P: T Port GmbH & Co. KG v Commission of the European Communities (¹)

(Appeal — Bananas — Imports from ACP States and non-member countries — Calculation of annual reference quantity allocated to operators — Imports in accordance with interim measures ordered by a national court in interlocutory proceedings — Action for damages)

(2003/C 101/12)

(Language of the case: German)

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

In Case C-213/01 P: T Port GmbH & Co. KG, established in Hamburg (Germany) (lawyer: G. Meier) — appeal against the judgment of the Court of First Instance (Fifth Chamber) of 20 March 2001 in Case T-52/99 (ECR II-981), seeking to have that judgment set aside in part, the other party to the proceedings being Commission of the European Communities,

(Agents: K.-D. Borchardt and M. Niejahr), which contends that the Court — composed of: G.C. Rodríguez Iglesias, (President), J.-P. Puissechet, M. Wathelet, R. Schintgen (Rapporteur) and C.W.A. Timmermans, (Presidents of Chambers), C. Gulmann, D.A.O. Edward, A. La Pergola, P. Jann and V. Skouris, F. Macken and N. Colneric, S. von Bahr, J.N. Cunha Rodrigues and A. Rosas, Judges; P. Léger, Advocate General; R. Grass, Registrar, has given a judgment on 6 March 2003, in which it:

1. Dismisses the appeal;
2. Orders T Port GmbH & Co. KG to pay the costs.

(¹) OJ C 245 of 1 September 2001.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 27 February 2003

in Case C-320/01 (Reference for a preliminary ruling from the Arbeitsgericht Lübeck): Wiebke Busch v Klinikum Neustadt GmbH & Co. Betriebs-KG (¹)

(Equal treatment for men and women — Article 2(1) of Directive 76/207/EEC — Protection of pregnant women)

(2003/C 101/13)

(Language of the case: German)

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

In Case C-320/01: Reference to the Court under Article 234 EC by the Arbeitsgericht Lübeck (Germany) for a preliminary ruling in the proceedings pending before that court between Wiebke Busch and Klinikum Neustadt GmbH & Co. Betriebs-KG, on the interpretation of Article 2(1) of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ 1976 L 39, p. 40), the Court (Fifth Chamber), composed of: M. Wathelet (Rapporteur), President of the Chamber, C.W.A. Timmermans, P. Jann, S. von Bahr and A. Rosas, Judges; D. Ruiz-Jarabo Colomer, Advocate

General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 27 February 2003, in which it has ruled:

1. Article 2(1) of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions is to be interpreted as precluding a requirement that an employee who, with the consent of her employer, wishes to return to work before the end of her parental leave must inform her employer that she is pregnant in the event that, because of certain legislative prohibitions, she will be unable to carry out all of her duties.
2. Article 2(1) of Directive 76/207 is to be interpreted as precluding an employer from contesting under national law the consent it gave to the reinstatement of an employee to return before the end of her parental leave on the grounds that it was in error as to her being pregnant.

(¹) OJ C 303 of 27.10.2001.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 27 February 2003

in Case C-415/01: Commission of the European Communities v Kingdom of Belgium (¹)

(Failure by a Member State to fulfil its obligations — Conservation of wild birds — Special protection areas)

(2003/C 101/14)

(Language of the case: French)

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

In Case C-415/01, Commission of the European Communities (Agents: G. Valero Jordana and J. Adda) v Kingdom of Belgium

(Agent: C. Pochet): Application for a declaration that, in so far as the Région flamande (Flemish Region) has failed to transpose Article 4(1) and (2) of and Annex I to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1), to demarcate special protection areas within its territory capable of being relied upon as against third parties, and to adopt the measures necessary to ensure that the classification of a site as a special protection area automatically and simultaneously entails the application of a system of protection and conservation complying with Community law, the Kingdom of Belgium has failed to fulfil its obligations under Article 4(1) and (2) in conjunction with Article 4(4), as partially amended, of Directive 79/409 in accordance with Article 7 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7), by Article 6(2) to (4) of the latter directive, the Court (Sixth Chamber), composed of: J.-P. Puissechot, President of the Chamber, R. Schintgen, C. Gulmann (Rapporteur), F. Macken and J.N. Cunha Rodrigues, Judges; P. Léger, Advocate General; R. Grass, Registrar, has given a judgment on 27 February 2003, in which it:

1. Declares that, in so far as the Région flamande has failed to transpose Article 4(1) and (2) of and Annex I to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, to demarcate special protection areas within its territory capable of being relied upon as against third parties, and to adopt the measures necessary to ensure that the classification of a site as a special protection area automatically and simultaneously entails the application of a system of protection and conservation complying with Community law, the Kingdom of Belgium has failed to fulfil its obligations under Article 4(1) and (2) of Directive 79/409 and the first sentence of Article 4(4) thereof, as amended, in accordance with Article 7 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, by Article 6(2) to (4) of the latter directive;
2. Orders the Kingdom of Belgium to pay the costs.

(¹) OJ C 369 of 22.12.2001.