

- precluding the application of national legislation which excludes Turkish workers duly registered as belonging to the labour force of the host Member State from eligibility for election to the general assembly of a body representing and defending the interests of workers, such as the chambers of workers in Austria.

(¹) OJ C 173 of 16.6.2001.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 10 April 2003

in Case C-217/01 P: Michel Hendrickx v Centre européen pour le développement de la formation professionnelle (Cedefop) (¹)

(Appeal — Officials — Resettlement Allowance — Action which has become devoid of purpose — No need to adjudicate)

(2003/C 146/16)

(Language of the case: French)

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

In Case C-217/01 P, Michel Hendrickx (represented by J.-N. Louis and V. Peere): Appeal against the order of the Court of First Instance of the European Communities (Fifth Chamber) of 12 March 2001 in Case T-298/00 Hendrickx v Cedefop (not published in the ECR), seeking to have that order set aside, the other party to the proceedings being: Centre européen pour le développement de la formation professionnelle (Cedefop) (represented by B. Wägenbaur), the Court (Sixth Chamber), composed of: J.-P. Puissochet, President of the Chamber, C. Gulmann, F. Macken, N. Colneric (Rapporteur) and J.N. Cunha Rodrigues, Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given a judgment on 10 April 2003, in which it:

1. Dismisses the appeal;
2. Orders Mr Hendrickx to pay the costs.

(¹) OJ C 212 of 28.7.2001.

JUDGMENT OF THE COURT

(Second Chamber)

of 8 May 2003

in Case C-268/01 (Reference for a preliminary ruling from the Verwaltungsgericht Weimar): Agrargenossenschaft Alkersleben eG, v Freistaat Thüringen, (¹)

(Milk and milk products — Council Regulation (EEC) No 3950/92 — Scheme applicable to the territory of the former German Democratic Republic — Reference quantities — Concepts of ‘producer’ and ‘holding’ — Lessee of a holding situated within that territory)

(2003/C 146/17)

(Language of the case: German)

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

In Case C-268/01: Reference to the Court under Article 234 EC by the Verwaltungsgericht Weimar (Germany) for a preliminary ruling in the proceedings pending before that court between Agrargenossenschaft Alkersleben eG, and Freistaat Thüringen, on the interpretation of Articles 3(2), 4(4), 5 and 9(c) and (d) of Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector (OJ 1992 L 405, p. 1), as amended by Commission Regulation (EC) No 751/1999 of 9 April 1999 (OJ 1999 L 96, p. 11), the Court (Second Chamber), composed of: R. Schintgen, President of the Chamber, V. Skouris (Rapporteur) and N. Colneric, Judges; P. Léger, Advocate General; R. Grass, Registrar, has given a judgment on 8 May 2003, in which it has ruled:

1. Article 9(c) and (d) of Council Regulation No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector, as amended by Commission Regulation (EC) No 751/1999 of 9 April 1999 and read with Articles 3(2), 4(4) and 5 of the former regulation, must be interpreted as meaning that all the milk production of a farmer established in the territory of the former German Democratic Republic obtained on an independent basis in leased facilities situated in that territory but in different *länder* must be imputed to the reference quantity provisionally allocated to him.
2. Article 9(c) and (d) of Regulation No 3950/92, as amended by Regulation No 751/99, and read with Articles 3(2), 4(4) and 5 of the former regulation, must be interpreted as precluding the competent national authorities from prohibiting a producer established in the former German Democratic Republic from transferring his milk production to facilities in a commune which, although forming part of that territory on the date of

reunification of Germany, is henceforth incorporated in one of the pre-existing *länder* of the Federal Republic of Germany under a treaty concluded after that date.

(¹) OJ C 275 of 29.9.2001.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 3 April 2003

in Case C-277/01 P: European Parliament v Ignacio Samper (¹)

(Appeals — Officials — Reconstruction of career — Consideration of comparative merits)

(2003/C 146/18)

(Language of the case: French)

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

In Case C-277/01 P, European Parliament (Agents: H. von Herten and D. Moore): Appeal against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 3 May 2001 in Case T-99/00 Samper v Parliament [2001] ECR-SC I-A-111 and II-507, seeking to have that judgment set aside, the other party to the proceedings being: Ignacio Samper employee of the European Parliament, resident in Madrid (Spain), (represented by E. Boigelot), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, C.W.A. Timmermans, A. La Pergola, P. Jann and S. von Bahr (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 3 April 2003, in which it has ruled:

1. Annuls the judgment of the Court of First Instance of 3 May 2001 in Case T-99/00 Samper v Parliament;
2. Refers the case back to the Court of First Instance for it to give judgment on the claims by Mr Samper for annulment of the decision of the European Parliament of 9 June 1999 reconstructing his career, in so far as it sets at 1 January 1998 the date for his promotion to Grade A 4 to take effect;
3. Reserves the costs.

(¹) OJ C 245 of 1.9.2001.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 8 May 2003

in Case C-384/01: Commission of the European Communities v French Republic (¹)

(Failure of a State to fulfil obligations — Sixth VAT Directive — Article 12(3)(a) and (b) — Supplies of gas and electricity delivered by the public networks — Standing charge for supply networks — Reduced rate)

(2003/C 146/19)

(Language of the case: French)

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

In Case C-384/01, Commission of the European Communities (Agents: E. Traversa and C. Giolito) v French Republic (Agents: G. de Bergues and P. Boussaroque): Application for a declaration that, by applying a reduced rate of value added tax to the fixed part of the prices for gas and electricity supplied by the public networks, the French Republic has failed to fulfil its obligations under Article 12(3)(a) and (b) of Sixth Council Directive 77/388/EC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1), as amended by Council Directive 96/95/EC of 20 December 1996 amending, with regard to the level of the standard rate of value added tax, Directive 77/388/EEC (OJ 1996 L 338, p. 89), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, D.A.O. Edward (Rapporteur), A. La Pergola, P. Jann and A. Rosas, Judges; S. Alber, Advocate General; R. Grass, Registrar, has given a judgment on 8 May 2003, in which it:

1. Dismisses the application;
2. Orders the Commission of the European Communities to pay the costs.

(¹) OJ C 348 of 8.12.2001.