

4. The Court of First Instance violated the right to effective judicial protection.

(¹) OJ C 79, 10.3.2001, p. 23.

(²) OJ C 79, 10.3.2001, p. 24.

(³) OJ C 3, 5.1.2002, p. 39.

(⁴) OJ C 3, 5.1.2002, p. 45.

Reference for a preliminary ruling by the Oberlandesgericht München — Zivilsenate in Augsburg — by order of that Court of 27 March 2003 in the case of Nürnberger Allgemeine Versicherungs AG against Portbridge Transport International B.V.

(Case C-148/03)

(2003/C 146/46)

Reference has been made to the Court of Justice of the European Communities by order of the Oberlandesgericht München — Zivilsenate in Augsburg — (Munich Higher Regional Court, Civil Chambers in Augsburg) of 27 March 2003, received at the Court Registry on 31 March 2003, for a preliminary ruling in the case of Nürnberger Allgemeine Versicherungs AG against Portbridge Transport International B.V. on the following question:

Do the provisions on jurisdiction contained in other conventions take precedence over the general provisions on jurisdiction in the Brussels Convention even where a defendant domiciled in the territory of a State which is a party to the Brussels Convention and against whom an action has been brought before a court of another State which is a party to that Convention fails to submit pleas as to the merits of the case in the proceedings before that court?

Reference for a preliminary ruling by the Cour de Cassation of the Grand Duchy of Luxembourg by judgment of that Court of 6 March 2003 in the case of Caisse Nationale des Prestations Familiales against Ursula SCHWARZ, née WEIDE

(Case C-153/03)

(2003/C 146/47)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour de Cassation (Court of Cassation) of the Grand Duchy of Luxembourg of 6 March 2003, received at the Court Registry on 3 April 2003, for a preliminary ruling in the case of Caisse Nationale des Prestations Familiales against Ursula SCHWARZ, née WEIDE on the following questions:

1. Must Article 76 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 (¹) be interpreted as applying only where a migrant worker is entitled to family benefits under the legislation of the State of employment and under the legislation of the State in which the members of his family are resident?
2. If so, may the bodies of the State of employment suspend entitlement to family benefits where they consider that a refusal to grant family benefits in the State of residence is incompatible with Community law?
3. If not, does Article 76 of Regulation No 1408/71 permit the State of employment to apply the rule against aggregation of benefits where, under the law of the State of residence of the family members, the worker's spouse receives or is entitled to similar family benefits?

(¹) as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 (OJ L 230, p. 6).

Action brought on 3 April 2003 by the Commission of the European Communities against Ireland

(Case C-154/03)

(2003/C 146/48)

An action against Ireland was brought before the Court of Justice of the European Communities on 3 April 2003 by the Commission of the European Communities, represented by Karen Banks, acting as agent, with an address for service in Luxembourg.