

1. Declares that, since the Abruzzo Region failed to ascertain whether the project to construct an outer ring road at Teramo (a project known as 'Lotto zero-Variante, tra Teramo e Giulianova, alla strada statale SS 80'), of a type listed in Annex II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, required an environmental impact assessment in accordance with Articles 5 to 10 of that directive, the Italian Republic has failed to fulfil its obligations under Article 4(2) of that directive.
2. Orders the Italian Republic to pay the costs.

(¹) OJ C 109 of 4.5.2002.

JUDGMENT OF THE COURT

(Second Chamber)

of 10 June 2004

in Case C-168/02 (reference for a preliminary ruling from the Oberster Gerichtshof, (Austria)): Rudolf Kronhofer v Marianne Maier, Christian Möller, Wirich Hofius, Zeki Karan (¹)

(Brussels Convention — Article 5(3) — Jurisdiction in matters relating to tort, delict or quasi-delict — Place where the harmful event occurred — Financial loss arising from capital investments in another Contracting State)

(2004/C 190/03)

(Language of the case: German)

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

In Case C-168/02: REFERENCE to the Court under the Protocol of 3 June 1971 on the interpretation by the Court of Justice of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters from the Oberster Gerichtshof (Austrian Supreme Court) for a preliminary ruling in the proceedings pending before that court between Rudolf Kronhofer and Marianne Maier, Christian Möller, Wirich Hofius, Zeki Karan - on the interpretation of Article 5(3) of the abovementioned Convention of 27 September 1968 (OJ 1978 L 304, p. 36), as amended by the Convention of Accession of 9 October 1978 of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland (OJ 1978 L 304, p. 1, and amended text p. 77), by the Convention of 25 October 1982 on the accession of the Hellenic Republic (OJ 1982 L 388, p. 1), by the Convention of 26 May 1989 on the accession of the Kingdom of Spain and the Republic of Portugal (OJ 1989 L 285, p. 1), and by the Convention of 29 November 1996 on the

accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ 1997 C 15, p. 1) - the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, J.-P. Puissochet, J.N. Cunha Rodrigues (Rapporteur), R. Schintgen and N. Colneric, Judges; P. Léger, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 10 June 2004, in which it has ruled:

Article 5(3) 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 Accession of 9 October 1978 of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland, by the Convention of 25 October 1982 on the accession of the Hellenic Republic, by the Convention of 26 May 1989 on the accession of the Kingdom of Spain and the Republic of Portugal, and by the Convention of 29 November 1996 on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, must be interpreted as meaning that the expression 'place where the harmful event occurred' does not refer to the place where the claimant is domiciled or where 'his assets are concentrated' by reason only of the fact that he has suffered financial damage there resulting from the loss of part of his assets which arose and was incurred in another Contracting State.

(¹) OJ C 169 of 13.7.2002.

JUDGMENT OF THE COURT

(Grand Chamber)

of 8 June 2004

in Case C-220/02 (reference for a preliminary ruling from the Oberster Gerichtshof): Österreichischer Gewerkschaftsbund, Gewerkschaft der Privatangestellten v Wirtschaftskammer Österreich (¹)

(Principle of equal pay for men and women — Concept of pay — Taking into account, for calculation of termination payments, of periods of military service — Possibility of comparing workers performing military service with women workers who, after their maternity leave, take parental leave the duration of which is not taken into account for calculating a termination payment)

(2004/C 190/04)

(Language of the case: German)

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

In Case C-220/02: REFERENCE to the Court under Article 234 EC from the Oberster Gerichtshof (Austria) for a preliminary