

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to implement Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos, the Italian Republic has failed to fulfil its obligations under that directive;

2. Orders the Italian Republic to pay the costs.

(⁽¹⁾) OJ C 213, 6.9.2003.

Reference for a preliminary ruling by the Simvoulio tis Epikratias by judgment of that court of 3 March 2004 in the case of Elmeka N.E. against the Minister for Economic Affairs

(Case C-182/04)

(2004/C 201/12)

Reference has been made to the Court of Justice of the European Communities by judgment of the Simvoulio tis Epikratias (Council of State, Greece) of 3 March 2004, received at the Court Registry on 19 April 2004, for a preliminary ruling in the case of Elmeka N.E. against the Minister for Economic Affairs on the following questions:

The questions in the present case match the questions in Case C-181/04.

Reference for a preliminary ruling by the Simvoulio tis Epikratias by judgment of that court of 3 March 2004 in the case of Elmeka N.E. against the Minister for Economic Affairs

(Case C-183/04)

(2004/C 201/13)

Reference has been made to the Court of Justice of the European Communities by judgment of the Simvoulio tis Epikratias (Council of State, Greece) of 3 March 2004, received at the Court Registry on 19 April 2004, for a preliminary ruling in the case of Elmeka N.E. against the Minister for Economic Affairs on the following questions:

The questions in the present case match the questions in Case C-181/04.

Action brought on 7 May 2004 by the Commission of the European Communities against the Federal Republic of Germany

(Case C-204/04)

(2004/C 201/14)

An action against the Federal Republic of Germany was brought before the Court of Justice of the European Communities on 7 May 2004 by the Commission of the European Communities, represented by Nicola Yarrell, of the Commission's Legal Service, and Horstpeter Kreppel, a labour court judge appointed to the Commission's Legal Service under the exchange programme for national public servants, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. Declare that the Federal Republic of Germany has infringed the principle of equal treatment for men and women laid down under Articles 1, 2 and 5 of Council Directive 76/207/EEC (⁽¹⁾), and Clause 4 of the Framework Agreement on part-time work concluded between UNICE, CEEP and the ETUC set out in the Annex to Council Directive 97/81/EC (⁽²⁾), in that it indirectly discriminates against women, who form the great majority of part-time employees working less than 18 hours a week in the German public sector, by excluding,

(a) under Paragraph 14(2) of the Bundespersonalvertretungsgesetz (Federal Law on staff committees in the public sector) and the equivalent regulations applying in the *Länder* of

— Bavaria

— Berlin

— Bremen

— Hesse,

part-time employees who normally work less than 18 hours a week, and

(b) in the *Länder* of

— Mecklenburg-Western Pomerania

— Saxony

— Schleswig-Holstein

— Thuringia,

part-time employees who work less than half of the normal weekly hours of work,

(c) in the *Länder* of

— Baden-Württemberg

— Brandenburg

— Rhineland-Palatinate

— Saxony-Anhalt,

part-time employees who work less than one-third of the normal weekly hours of work,