

JUDGMENT OF THE COURT

(Third Chamber)

of 24 June 2004

in Case C-269/02: Commission of the European Communities v French Republic ⁽¹⁾

(Failure of a Member State to fulfil obligations — Failure to implement Directive 98/24/EC within the prescribed period — Protection of the health and safety of workers — Risks linked to chemical agents at work)

(2004/C 217/04)

(Language of the case: French)

In Case C-269/02: Commission of the European Communities (Agent: D. Martin) v French Republic (Agents: G. de Bergues and C. Lemaire, assisted by C. Bergeot-Nunes) — application for a declaration that, by not bringing into force the laws, regulations and administrative provisions necessary to comply with Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) or, in any event, by not giving notice of those measures to the Commission, the French Republic has failed to fulfil its obligations under that directive — the Court (Third Chamber), composed of: A. Rosas, acting as President of the Third Chamber, R. Schintgen and K. Schieman (Rapporteur), Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given a judgment on 24 June 2004, in which it:

1. Declares that, by not bringing into force the laws, regulations and administrative provisions necessary to comply with Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), the French Republic has failed to fulfil its obligations under that directive;
2. Orders the French Republic to pay the costs.

⁽¹⁾ OJ C 219 of 14.9.2002.

JUDGMENT OF THE COURT

(Second Chamber)

of 1 July 2004

in Case C-295/02 (reference for a preliminary ruling from the Niedersächsisches Oberverwaltungsgericht): Gisela Gerken v Amt für Agrarstruktur Verden ⁽¹⁾

(Common agricultural policy — Integrated administration and control system for certain Community aid schemes — Regulations (EEC) No 3887/92 and (EC) No 2419/2001 — Applications for 'livestock' aid — Irregularities — Reduction in the amount of aid — Article 2(2) of Regulation (EC, Euratom) No 2988/95 — Retroactive application of a less stringent provision)

(2004/C 217/05)

(Language of the case: German)

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

In Case C-295/02: Reference to the Court under Article 234 EC from the Niedersächsisches Oberverwaltungsgericht (Germany) for a preliminary ruling in the proceedings pending before that court between Gisela Gerken and Amt für Agrarstruktur Verden — on the interpretation of Article 10(2)(a) of Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes (OJ 1992 L 391, p. 36), Articles 44, 53 and 54 of Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 (OJ 1992 L 327, p. 11), and Article 2(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the financial interests of the European Communities (OJ 1995 L 312, p. 1) — the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, J.-P. Puissochet, R. Schintgen, F. Macken (Rapporteur) and N. Colneric, Judges; P. Léger, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 1 July 2004, in which it has ruled:

Article 2(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the financial interests of the European Communities is to be interpreted as meaning that where, in an application for 'livestock' aid covered *ratione temporis* by Commission Regulation (EEC) No 3887/92 of 23 December 1992 laying down detailed rules for applying the integrated administration

and control system for certain Community aid schemes, there is an irregularity giving rise to a penalty under Article 10(2)(a) of that regulation, the competent authorities must apply retroactively the provisions of Article 44(1) of Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92, on the ground that those provisions are less severe as regards the conduct in question.

(¹) OJ C 261 of 26.10.2002.

JUDGMENT OF THE COURT

(Third Chamber)

of 1 July 2004

in Joined Cases C-361/02 and C-362/02 (references for a preliminary ruling from the the Diikitiko Efetio Piraeus): Elliniko Dimosio v Nikolaos Tsapalos and Konstantinos Diamantakis (¹)

(Directive 76/308/EEC — Mutual assistance for the recovery of customs duties — Application to claims which arose prior to the entry into force of the Directive)

(2004/C 217/06)

(Language of the case: Greek)

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

In Joined Cases C-361/02 and C-362/02: references to the Court under Article 234 EC from the Diikitiko Efetio Piraeus (Greece) for a preliminary ruling in the proceedings pending before that court between Elliniko Dimosio and Nikolaos Tsapalos (C-361/02), Konstantinos Diamantakis (C-362/02) — on the interpretation of Article 1 of Council Directive 76/308/EEC of 15 March 1976 on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of the agricultural levies and customs duties, and in respect of value added tax and certain excise duties (OJ 1976 L 73, p. 18), as amended by the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustment to the Treaties on which the European Union is founded (OJ 1994 C 241, p. 21) — the Court (Third Chamber), composed of: A. Rosas, President of the Chamber, R. Schintgen (Rapporteur) and N. Colneric, Judges; J. Kokott, Advocate General; M. Múgica Arzamendi, Principal Adminis-

trator, for the Registrar, has given a judgment on 1 July 2004, in which it has ruled:

Council Directive 76/308/EEC of 15 March 1976 on mutual assistance for the recovery of claims resulting from operations forming part of the system of financing the European Agricultural Guidance and Guarantee Fund, and of the agricultural levies and customs duties, and in respect of value added tax and certain excise duties as amended by the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, is to be interpreted as applying to customs claims which arose in one Member State under an instrument issued by that State before that directive entered into force in the other Member State, where the requested authority is situated.

(¹) OJ C 305 of 7.12.2002.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 8 July 2004

Case C-27/03: Commission of the European Communities v Kingdom of Belgium (¹)

(Member State's failure to fulfil obligations — Environment — Directive 91/271/EEC — Decision 93/481/EEC — Collection and treatment of urban waste water — Failure to transpose within the period prescribed)

(2004/C 217/07)

(Language of the case: Dutch)

In Case C-27/03: Commission of the European Communities (Agents: G. Valero Jordana and M. van Beek) v Kingdom of Belgium (Agent: A. Snoecx, assisted by A. Cornet) — application for a declaration that, by failing to adopt the laws, regulations or administrative provisions necessary to the full implementing of Articles 3, 5 and 17 — the last being read in conjunction with Articles 3 and 4 — of Directive 91/271/EEC of the Council of 21 May 1991 concerning urban waste-water treatment (OJ 1991 L 135, p. 40), and of Commission Decision 93/481/EEC of 28 July 1993 concerning formats for the presentation of national programmes as foreseen by Article 17 of Directive 91/271/EEC (OJ 1993 L 226, p. 23), the Kingdom of Belgium has failed to fulfil its obligations under that directive and that decision — the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, President of the Chamber, J.-P. Puissochet and F. Macken (Rapporteur), Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 8 July 2004 in which it: