

— by failing fully to incorporate in the relevant legislation on the conservation of air quality the emission limit values for sulphur dioxide, oxides of nitrogen and dust laid down in Article 4(1) and in Annexes III to VII, in particular by diverging from the definition of 'fuel' laid down in Article 2(6) of the Directive, and

— by failing correctly to transpose Article 9(2) and (3) of the Directive in the *Luftreinhaltegesetz für Kesselanlagen* and the *Luftreinhalteverordnung für Kesselanlagen*, concerning methods for calculating emission limit values for combustion plants equipped with multi-firing units using distillation and conversion residues from crude-oil refining for own consumption, alone or with other fuels;

2. Orders the Republic of Austria to pay the costs.

(<sup>1</sup>) OJ C 158 of 5.7.2003.

#### JUDGMENT OF THE COURT

(Fourth Chamber)

of 8 July 2004

**Case C-292/03: Commission of the European Communities v Republic of Finland (<sup>1</sup>)**

**(Member State's failure to fulfil obligations — Environment — End-of-life vehicles — Directive 2000/53/EC)**

(2004/C 217/14)

(Language of the case: Finnish)

In Case C-292/03: Commission of the European Communities (Agents: M. Konstantinidis and P. Aalto) v Republic of Finland (Agent: A. Guimaraes-Purokoski) — application for a declaration that, by having failed to adopt the laws, regulations or administrative provisions necessary in order to comply with Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ No L 269, p. 34) or, in any event, by having failed to inform the Commission thereof, the Republic of Finland has failed to fulfil its obligations under that directive — the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, President of the Chamber, F. Macken (Rapporteur) and K. Lenaerts, Judges; M. Poiares Maduro, Advocate General; R. Grass, Registrar, has given a judgment on 8 July 2004 in which it:

1. Declares that, by having failed to adopt the laws, regulations or administrative provisions necessary in order to comply with Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles, the Republic of Finland has failed to fulfil its obligations under that directive.

2. Orders the Republic of Finland to pay the costs.

(<sup>1</sup>) OJ C 213 of 6.9.2003.

#### JUDGMENT OF THE COURT

(Third Chamber)

of 1 July 2004

**in Case C-311/03: Commission of the European Communities v French Republic (<sup>1</sup>)**

**(Failure of a Member State to fulfil obligations — Directive 1999/44/EC — Failure to transpose within the prescribed period)**

(2004/C 217/15)

(Language of the case: French)

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

In Case C-311/03: Commission of the European Communities (Agent: D. Martin) v French Republic (Agents: G. de Bergues and R. Loosli-Surrans) — application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ 1999 L 171, p. 12), the French Republic has failed to fulfil its obligations under that directive — the Court (Third Chamber), composed of: A. Rosas (Rapporteur), President of the Chamber, R. Schintgen and K. Schiemann, Judges; F. G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 1 July 2004, in which it:

1. Declares that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees within the prescribed period, the French Republic has failed to fulfil its obligations under that directive.

2. Orders the French Republic to pay the costs.

(<sup>1</sup>) OJ C 213 of 6.9.2003.