

1. Declares that, by failing to put in place a procedure for the mutual recognition of diplomas as required by Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration and Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48 for access to the profession of special needs teacher in the hospital public service and the local public service, and by allowing to remain in force a national law and the practice of the classification committee which fails to take into account the professional experience of migrant workers, the French Republic has failed to fulfil its obligations under those directives and Article 39 EC.

2. Orders the French Republic to pay the costs.

(¹) OJ C 323 of 21.12.2002.

JUDGMENT OF THE COURT

(First Chamber)

of 14 October 2004

in Case C-409/02 P: Jan Pflugradt v European Central Bank (¹)

(Appeal — Staff of the European Central Bank — Contractual nature of the employment relationship — Alteration of responsibilities laid down in the employment contract)

(2004/C 300/27)

(Language of the case: German)

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

In Case C-409/02 P: appeal under Article 56 of the Statute of the Court of Justice, lodged on 18 November 2002, by Jan Pflugradt (avocats: N. Pflüger) the other party to the proceedings being: European Central Bank (Agents: V. Saintot, T. Gilliams, and B. Wägenbaur.) — the Court (First Chamber), composed of: P. Jann, President of the Chamber, A. Rosas, R. Silva de

Lapuerta (Rapporteur), K. Lenaerts and S. von Bahr, Judges; P. Léger, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 14 October 2004, in which it:

1. Dismisses the appeal;

2. Orders Mr Pflugradt to pay the costs.

(¹) OJ C 19 du 25.1.2003.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 21 October 2004

in Case C-426/02: Commission of the European Communities v Hellenic Republic (¹)

(Failure of a Member State to fulfil obligations — Charges having equivalent effect — Common commercial policy — Imports of goods from Member States and non-member countries — Charges levied for the validation of invoices)

(2004/C 300/28)

(Language of the case: Greek)

In Case C-426/02: action under Article 226 EC for failure to fulfil obligations, lodged at the Court on 22 November 2002 by Commission of the European Communities (Agents: X. Lewis and M. Konstantinidis) against Hellenic Republic (Agents: A. Samoni-Rantou and N. Dafniou) — the Court (Fifth Chamber), composed of: R. Silva de Lapuerta, President of the Chamber, C. Gulmann (Rapporteur) and S. von Bahr, Judges; Advocate General: A. Tizzano; Registrar: R. Grass, has given a judgment on 21 October 2004, in which it:

1. Declares that, by applying, for the benefit of the Ethnikos Organismos Farmakon (National Organisation for Medicines), a charge in respect of the validation of invoices on the import of raw materials for pharmaceutical use, semi-finished products and finished products from other Member States or non-member countries, the Hellenic Republic has failed to fulfil its obligations under Articles 23 EC, 25 EC and 133 EC;