

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 14 October 2004

in Case C-193/03 (reference for a preliminary ruling from the Sozialgericht Stuttgart): *Betriebskrankenkasse der Robert Bosch GmbH v Bundesrepublik Deutschland* <sup>(1)</sup>

*(Social security — Reimbursement of medical expenses incurred in another Member State — Article 34 of Regulation (EEC) No 574/72 — Health insurance fund applying a simplified full reimbursement procedure for bills for small amounts)*

(2004/C 300/40)

(Language of the case: German)

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

In Case C-193/03: *Betriebskrankenkasse der Robert Bosch GmbH v Bundesrepublik Deutschland* — reference to the Court under Article 234 EC from the Sozialgericht Stuttgart (Germany), made by decision of 19 March 2003, received at the Court on 9 May 2003 — the Court (Sixth Chamber), composed of: A. Borg Barthet (Rapporteur), President of the Chamber, J.-P. Puissochet and S. von Bahr, Judges; Advocate General: M. Poiares Maduro, Registrar: R. Grass, has given a judgment on 14 October 2004, in which it has ruled:

Article 34 of Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983, as amended by Council Regulation (EC) No 1399/1999 of 29 April 1999, is to be interpreted as not precluding a practice whereby a health insurance fund, in the application of national rules, reimburses medical costs incurred by its members during a stay in another Member State in full when those costs do not exceed DEM 200.

<sup>(1)</sup> OJ C 200 of 23.8.2003.

## JUDGMENT OF THE COURT

(Second Chamber)

of 7 October 2004

in Case C-239/03: *Commission of the European Communities v French Republic* <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Convention for the protection of the Mediterranean Sea against pollution — Articles 4(1) and (8) — Protocol for the protection of the Mediterranean Sea against pollution from land-based sources — Article 6(1) and (3) — Failure to adopt appropriate measures to prevent, abate and combat heavy and prolonged pollution of the Étang de Berre — Discharge authorisation)*

(2004/C 300/41)

(Language of the case: French)

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

In Case C-239/03: action under Article 226 EC for failure to fulfil obligations, brought on 4 June 2003, between Commission of the European Communities (Agents: G. Valero Jordana and B. Stromsky) and French Republic (Agents: G. de Bergues and E. Puisais) — the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, R. Schintgen (Rapporteur), R. Silva de Lapuerta, P. Kūris and G. Arestis, Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 7 October 2004, in which it:

1. Declares that:

— by failing to take all appropriate measures to prevent, abate and combat heavy and prolonged pollution of the Étang de Berre, and