

JUDGMENT OF THE COURT**(Fourth Chamber)****of 14 October 2004****in Case C-339/03: Commission of the European Communities against the Federal Republic of Germany⁽¹⁾****(Failure to fulfil obligations — Directive 1999/22/EC — Keeping of wild animals in zoos — Failure to transpose within the prescribed time-limit)**

(2004/C 300/44)

(Language of the case: German)

In Case C-339/03: Commission of the European Communities (Agents: J. Schieferer and M. van Beek) v the Federal Republic of Germany (Agent: M. Lumma) — action under Article 226 EC for failure to fulfil obligations — the Court (Fourth Chamber), composed of J. N. Cunha Rodrigues (Rapporteur), Acting President of the Fourth Chamber, E. Juhász and M. Ilešič, Judges; Advocate General: P. Léger, Registrar: R. Grass, has given a judgment on 14 October 2004, in which it:

- 1) Declares that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos, in the various Länder, with the exception of Bremen, Hamburg, Hessen, Baden-Württemberg, Niedersachsen, Berlin, Schleswig-Holstein and Thuringen, the Federal Republic of Germany has failed to fulfil its obligations under Article 9 of that directive.
- 2) Orders the Federal Republic of Germany to pay the costs.

⁽¹⁾ OJ C 226 of 20.9.2003.

JUDGMENT OF THE COURT**(Third Chamber)****of 7 October 2004****in Case C-341/03: Commission of the European Communities v Hellenic Republic⁽¹⁾****(Failure by a Member State to fulfil its obligations — Failure to transpose Directive 98/49/EC)**

(2004/C 300/45)

(Language of the case: Greek)

In Case C-341/03: Commission of the European Communities (Agents: H. Michard and D. Martin) v Hellenic Republic (Agent:

N. Dafniou) — action under Article 226 EC for failure to fulfil obligations, brought on 1 August 2003 — the Court (Third Chamber), composed of: A. Rosas (Rapporteur), President of the Chamber, A. Borg Barthet, F. Macken, S. von Bahr and J. Malenovský, Judges; J. Kokott, Advocate General; R. Grass, Registrar, has given a judgment on 7 October 2004, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community, the Hellenic Republic has failed to fulfil its obligations under that directive.
2. Orders the Hellenic Republic is ordered to pay the costs.

⁽¹⁾ OJ C 226 of 20.9.2003.

JUDGMENT OF THE COURT**(First Chamber)****of 21 October 2004****in Case C-445/03: Commission of the European Communities v Grand Duchy of Luxembourg⁽¹⁾****(Failure of a State to fulfil obligations — Freedom to provide services — Requirements imposed by the host Member State on undertakings which deploy within its territory salaried workers who are nationals of non-member countries)**

(2004/C 300/46)

(Language of the case: French)

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

In Case C-445/03: Commission of the European Communities (Agents: M. Patakia) v Grand Duchy of Luxembourg (Agents: S. Schreiner, assisted by A. Rukavina) — action under Article 226 EC for failure to fulfil obligations, brought on 21 October 2003 — the Court (First Chamber), composed of: P. Jann, President of the Chamber, K. Lenaerts (Rapporteur), K. Schiemann, E. Juhász and M. Ilešič, Judges; Advocate General: D. Ruiz-Jarabo Colomer, Registrar: R. Grass, has given a judgment on 21 October 2004, in which it:

1. Declares that, by imposing on service providers established in another Member State who wish to deploy in its territory workers who are nationals of non-member countries a requirement of individual work permits, the issuance of which is subject to considerations relating to the employment market, or a requirement of a collective work permit, which is granted only in exceptional cases and only when the workers concerned have, for at least six months prior to the deployment, been in a relationship with their undertaking of origin through a contract of employment of indefinite duration, and by requiring those service providers to provide a bank guarantee, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 49 EC;
2. Orders the Grand Duchy of Luxembourg to pay the costs.

(¹) OJ C 289 of 29.11.2003.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 21 October 2004

in Case C-477/03: Commission of the European Communities v Federal Republic of Germany (¹)

(Failure of a Member State to fulfil obligations — Directives 2001/12/EC, 2001/13/EC and 2001/14/EC — Community railways — Development — Licensing of railway undertakings — Allocation of capacity, infrastructure charges and safety certification — Failure to transpose within the prescribed period)

(2004/C 300/47)

(Language of the case: German)

In Case C-477/03: action under Article 226 EC for failure to fulfil obligations brought on 17 November 2003 by Commission of the European Communities (Agents: C. Schmidt and W. Wils) against Federal Republic of Germany (Agents: W.-D. Plesing and M. Lumma) — the Court (Sixth Chamber), composed of: A. Borg Barthet, President of the Chamber, J.-P. Puissochet and U. Löhmus (Rapporteur), Judges; Advocate General: P. Léger; Registrar: R. Grass, has given a judgment on 21 October 2004, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/12/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 91/440/EEC on the development of the Community's railways, Directive 2001/13/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 95/18/EC on the licensing of railway undertakings, and Directive 2001/14/EC of

the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, the Federal Republic of Germany has failed to fulfil its obligations under those Directives;

2. Orders the Federal Republic of Germany to pay the costs.

(¹) OJ C 21 of 24.1.2004.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 7 October 2004

in Case C-483/03: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland (¹)

(Failure of a Member State to fulfil obligations — Directives 2001/12/EC, 2001/13/EC and 2001/14/EC — The Community's railways — Development — Licensing of railway undertakings — Allocation of infrastructure capacity, levying of charges for the use of infrastructure and safety certification — Failure to transpose within the prescribed period)

(2004/C 300/48)

(Language of the case: English)

In Case C-483/03: action under Article 226 EC for failure to fulfil obligations, brought on 19 November 2003, between Commission of the European Communities (Agent: W. Wils) and United Kingdom of Great Britain and Northern Ireland (Agents: M. Demetriou and K. Manji) — the Court (Sixth Chamber), composed of: J.-P. Puissochet, acting for the President of the Sixth Chamber, S. von Bahr and U. Löhmus (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 7 October 2004, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directives 2001/12/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 91/440/EEC on the development of the Community's railways, Directive 2001/13/EC of the European Parliament and of the Council of 26 February 2001 amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under those directives;