

**JUDGMENT OF THE COURT****(Fourth Chamber)****of 18 November 2004****in Case C-422/03 Commission of the European Communities v Kingdom of the Netherlands <sup>(1)</sup>****(Failure of a Member State to fulfil its obligations — Directive 2001/18/EC — Failure to transpose within the prescribed period)**

(2005/C 6/28)

*(Language of the case: Dutch)*

In Case C-422/03 Commission of the European Communities (Agent: M. van Beek) v Kingdom of the Netherlands (Agents: H.G. Sevenster and J. van Bakel) – action under Article 226 EC for failure to fulfil obligations, brought on 3 October 2003 – the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, acting for the President of the Fourth Chamber, K. Schiemann (Rapporteur) and E. Juhász, Judges; P. Léger, Advocate General; R. Grass, Registrar, gave a judgment on 18 November 2004, in which it:

1. Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to comply with Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC, the Kingdom of the Netherlands has failed to fulfil its obligations under that directive;
2. Orders the Kingdom of the Netherlands to pay the costs.

<sup>(1)</sup> OJ C 275 of 15.11.2003.

**JUDGMENT OF THE COURT****(Fourth Chamber)****of 28 October 2004****in Case C-460/03: Commission of the European Communities v Ireland <sup>(1)</sup>****(Failure of a Member State to fulfil obligations — Directive 2000/53/EC — End-of-life vehicles — Failure to implement)**

(2005/C 6/29)

*(Language of the case: English)*

In Case C-460/03: action under Article 226 EC for failure to fulfil obligations, brought on 31 October 2003, between

Commission of the European Communities (Agents: X. Lewis and M. Konstantinidis) and Ireland (Agent: D. O'Hagan) – the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, acting as President of the Fourth Chamber, E. Juhász and E. Levits (Rapporteur), Judges; M. Poiares Maduro, Advocate General; R. Grass, Registrar, has given a judgment on 28 October 2004, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles, Ireland has failed to fulfil its obligations under that directive and in particular Article 10(1) thereof;
2. Orders Ireland to pay the costs.

<sup>(1)</sup> OJ C 304 of 13.12.2003

**JUDGMENT OF THE COURT****(Sixth Chamber)****of 18 November 2004****in Case C-482/03: Commission of the European Communities v Ireland <sup>(1)</sup>****(Failure of a Member State to fulfil obligations — Directive 2001/14/EC — The Community's railways — Allocation of infrastructure capacity, the levying of charges for the use of infrastructure and safety certification — Failure to transpose within the prescribed period)**

(2005/C 6/30)

*(Language of the case: English)*

In Case C-482/03: 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 Ireland (Agents: D. O'Hagan and D. Moloney, BL) — the Court (Sixth Chamber), composed of: J.-P. Puissochet, acting for the President of the Sixth Chamber, S. von Bahr and U. Lohmus (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 18 November 2004, in which it:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with 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, Ireland has failed to fulfil its obligations under that directive;

2. Orders Ireland to pay the costs.

(<sup>1</sup>) OJ C 7 of 10.1.2004.

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

(<sup>1</sup>) OJ C 21 of 24.1.2004.

## JUDGMENT OF THE COURT

(Fourth Chamber)

of 28 October 2004

**in Case C-497/03 Commission of the European Communities v Republic of Austria (<sup>1</sup>)**

**(Failure to fulfil obligations — Article 28 EC — Measures having equivalent effect — Sale of food supplements by mail order — Prohibition)**

(2005/C 6/31)

(Language of the case: German)

In Case C-497/03 Commission of the European Communities (Agents: J.C. Schieferer and B. Schima) v Republic of Austria (Agent: E. Riedl) — action under Article 226 EC for failure to fulfil obligations, brought on 24 November 2003 — the Court (Fourth Chamber), composed of: K. Lenaerts, President of the Chamber, J.N. Cunha Rodrigues and M. Ilešič (Rapporteur), Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, gave a judgment on 28 October 2004, in which it:

1. Declares that, by prohibiting under Paragraph 50(2) of the *Gewerbeordnung* the sale of food supplements by mail order, the Republic of Austria has failed to fulfil its obligations under Article 28 EC;

## JUDGMENT OF THE COURT

(Fourth Chamber)

of 28 October 2004

**in Case C-505/03 Commission of the European Communities v French Republic (<sup>1</sup>)**

**(Failure to fulfil obligations — Quality of water intended for human consumption — Directive 80/778/EEC)**

(2005/C 6/32)

(Language of the case: French)

In Case C-505/03 Commission of the European Communities (Agents: G. Valero Jordana and F. Simonetti) v French Republic (Agents: G. de Bergues and C. Mercier) — action under Article 226 EC for failure to fulfil obligations, brought on 28 November 2003 — the Court (Fourth Chamber), composed of: J.N. Cunha Rodrigues, acting for the President of the Fourth Chamber, E. Juhász (Rapporteur) and M. Ilešič, Judges; M. Poiares Maduro, Advocate General; R. Grass, Registrar, gave a judgment on 28 October 2004, in which it:

1. Declares that, by failing to comply with the requirements of Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption with regard to the nitrate content of water intended for human consumption in Brittany, the French Republic has failed to fulfil its obligations under Article 7(6) and Annex I of that directive;

2. Orders the French Republic to pay the costs.

(<sup>1</sup>) OJ C 21 of 24.1.2004.