

JUDGMENT OF THE COURT**(Second Chamber)****of 2 December 2004****in Case C-226/03 P: José Martí Peix SA v Commission of the European Communities ⁽¹⁾****(Appeal — Fisheries — Community financial aid — Reduction of the aid — Council Regulation (EC, Euratom) No 2988/95 — Articles 1 and 3 — Limitation period)**

(2005/C 19/07)

(Language of the case: Spanish)

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

In Case C-226/03 P: action under Article 226 EC for failure to fulfil obligations, brought on 22 May 2003, between José Martí Peix SA, established in Huelva (Spain), (avocats: J.R. García-Gallardo Gil-Fournier and D. Domínguez Pérez, avocats) and the other party to the proceedings being: Commission of the European Communities (Agents: S. Pardo Quintillán, avocat: J. Guerra Fernández) – the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, J.-P. Puissechet and N. Colneric (Rapporteur), Judges; A. Tizzano, Advocate General; Múgica Azarmendi, Principal Administrator, for the Registrar, has given a judgment on 2 December 2004, in which it:

1. Dismisses the appeal;
2. Orders José Martí Peix SA to pay the costs.

⁽¹⁾ OJ C 213 of 6.9.2003.

JUDGMENT OF THE COURT**(Fifth Chamber)****of 17 June 2004****in Case C-255/03: Commission of the European Communities v Kingdom of Belgium ⁽¹⁾****(Failure of a Member State to fulfil its obligations — Free movement of goods — Measures having equivalent effect — Label of quality and origin — ‘Walloon label of quality’)**

(2005/C 19/08)

(Language of the case: French)

In Case C-255/03: Commission of the European Communities (Agents: C.-F. Durand and F. Simonetti) v Kingdom of Belgium

(Agent: E. Dominkovits) – application for a declaration that, by adopting and maintaining in force rules under which the ‘Walloon label of quality’ is granted to finished products of a certain quality manufactured or processed in Wallonie, the Kingdom of Belgium has failed to fulfil its obligations under Article 28 EC – the Court (Fifth Chamber), composed of C. Gulmann (Rapporteur), President of the Chamber, S. von Bahr and R. Silva de Lapuerta, Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 17 June 2004, in which it:

1. Declares that, by adopting and maintaining in force rules under which ‘the Walloon label of quality’ is granted to finished products of a certain quality manufactured or processed in Wallonie, the Kingdom of Belgium has failed to fulfil its obligations under Article 28 EC;
2. Orders the Kingdom of Belgium to pay the costs.

⁽¹⁾ OJ C 200 of 23.8.2003.

JUDGMENT OF THE COURT**(Fourth Chamber)****of 2 December 2004****in Case C-398/03 (reference for a preliminary ruling from the Helsingin Hallinto-Oikeus): E. Gavrielides Oy ⁽¹⁾****(Directive 90/642/EEC — Maximum levels for pesticide residues — Vine leaves)**

(2005/C 19/09)

(Language of the case: Finnish)

In Case C-398/03: reference for a preliminary ruling under Article 234 EC from the Helsingin Hallinto-Oikeus (Finland), made by judgment of 22 September 2003, received at the Court on 24 September 2003, in the proceedings brought by E. Gavrielides Oy, – the Court (Fourth Chamber), composed of: K. Lenaerts (Rapporteur), President of the Chamber, J.N. Cunha Rodrigues and K. Schieman, Judges; J. Kokott, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 2 December 2004, in which it has ruled:

Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, as amended by Commission Directive 2000/42/EC of 22 June 2000, is not applicable to vine leaves.

⁽¹⁾ OJ C 275 of 15.11.2003.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 25 November 2004

in Case C-447/03 Commission of the European Communities v Italian Republic ⁽¹⁾

(Failure by a Member State to fulfil its obligations — Environment — Waste management — Factory site and waste in province of Foggia — Directive 75/442/EEC amended by Directive 91/156/EEC — Articles 4 and 8)

(2005/C 19/10)

(Language of the case: Italian)

In Case C-447/03 Commission of the European Communities (Agents: R. Amorosi and M. Konstantinidis) v Italian Republic (Agent: I.M. Braguglia and M. Fiorilli) — action under Article 226 EC for failure to fulfil obligations, brought on 22 October 2003 — the Court (Fifth Chamber), composed of: C. Gulmann, acting as President of the Fifth Chamber, G. Arestis and J. Klučka (Rapporteur), Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, gave a judgment on 25 November 2004, in which it:

1. Declares that, by failing to take the necessary measures to ensure that waste, stored or deposited in dumps on the site of the former Enichem Manfredonia factory (province of Foggia, Italy) and at the Pariti I urban waste dump near Manfredonia, is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and by failing to take the necessary measures to ensure that the holder of the waste stored or deposited in dumps on the site of Enichem's

former factory, also situated near Manfredonia, and the holder of the waste in the Pariti I dump and Conte di Troia urban waste dump has it handled by a private or public waste collector or by an undertaking which carries out the operations listed in Annex II A or II B to Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, or recover or dispose of it themselves, the Italian Republic has failed to fulfil its obligations under Article 4 and Article 8 of that directive.

2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 7 of 10.1.2004.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 28 October 2004

in Case C-16/04: Commission of the European Communities v Federal Republic of Germany ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Directive 89/654/EEC — Protection of workers — Safety and health of workers in the workplace — Emergency doors, windows and skylights — Failure to transpose)

(2005/C 19/11)

(Language of the case: German)

In Case C-16/04, action under Article 226 EC for failure to fulfil obligations, brought on 20 January 2004, Commission of the European Communities (Agents: H. Kreppel and D. Martin) against Federal Republic of Germany (Agents: C.-D. Quassowski and M. Lumma) — the Court (Sixth Chamber), composed of A. Borg Barthet (Rapporteur), President of the Chamber, J.-P. Puissochet and J. Malenovský, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 28 October 2004 in which it: