

4. Is the procedure for verifying the compatibility with Community provisions of the hunting derogations authorised by the Italian Regions under Article 19a of Law No 157/92, preceded by a period of notice and therefore requiring fixed periods of time, which are also necessary for the adoption and publication of the measure, during which the brief period of hunting derogations itself may expire, suitable for ensuring effective application of Directive 79/409/EC?

(<sup>1</sup>) OJ L 103 of 25.04.1979, p. 1.

**Action brought on 14 February 2005 by the Commission of the European Communities against the Kingdom of the Netherlands**

(Case C-66/05)

(2005/C 93/25)

(Language of the case: Dutch)

An action against the Kingdom of the Netherlands was brought before the Court of Justice of the European Communities on 14 February 2005 by the Commission of the European Communities, represented by Dennis Martin and Pieter van Nuffel, acting as Agents.

The Commission claims that the Court should:

1. Declare that by taking into account, when calculating sickness insurance contributions, the pensions paid under the legislation of a Member State other than the Netherlands, the Kingdom of the Netherlands has failed to fulfil its obligations under Article 33(1) of Regulation (EEC) No 1408/71; (<sup>1</sup>)
2. Order the Kingdom of the Netherlands to pay the costs.

*Pleas in law and main arguments*

The purpose of the Algemene Wet Bijzondere Ziektekosten (General law on special sickness costs; 'AWBZ') is to cover the cost of treatment, care and nursing in the case of serious long-term sickness or invalidity. All inhabitants, that is to say all persons resident in the Netherlands, are insured. It is therefore

a 'national insurance' scheme. Under the Wet Financiering Volksverzekeringen (Law on the financing of national insurance schemes) all insured persons are liable to pay contributions. The contribution is calculated on the basis of their income as a whole.

The result of this legislation is that a person who lives in the Netherlands and receives both a Netherlands pension and a pension under the legislation of another Member State is insured under the AWBZ for special sickness costs but is also liable to pay contributions. When calculating that contribution, both his Netherlands pension and his other pension are taken into account.

According to the Commission, Article 33(1) of the Regulation only permits the Netherlands pension to be taken into account when calculating that contribution; according to the Netherlands, the entire income may be taken into account, including the pension which the person concerned receives under the legislation of another Member State.

(<sup>1</sup>) (OJ, English special edition, 1971 (II), p. 416). Regulation amended and updated by Regulation (EC) No 118/97 (OJ L 28 of 30.1.1997, p. 1) and last amended by Regulation (EC) No 631/2004 of the European Parliament and of the Council (OJ L 100 of 6.4.2004, p. 1).

**Reference for a preliminary ruling from the Finanzgericht München by order of that court of 1 February 2005 in Household of Jörg and Stefanie Wollny v Finanzgericht Landshut**

(Case C-72/05)

(2005/C 93/26)

(Language of the case: German)

Reference has been made to the Court of Justice of the European Communities by order of the Finanzgericht München (Germany) of 1 February 2005, received at the Court Registry on 15 February 2005, for a preliminary ruling in the proceedings between Household of Jörg and Stefanie Wollny and Finanzgericht Landshut on the following question: