

Member States with regard to establishment and the provision of services is to be interpreted as meaning that the recognition by a Member State of the right of residence of a recipient of services who is a national of another Member State may not be made subject to his production of a valid identity card or passport, where his identity and nationality can be proven unequivocally by other means.

2. It is contrary to Article 49 EC for nationals of a Member State to be required in another Member State to present a valid identity card or passport in order to prove their nationality, when the latter State does not impose a general obligation on its own nationals to provide evidence of identity, and permits them to prove their identity by any means allowed by national law.
3. A detention order with a view to deportation in respect of a national of another Member State, imposed on the basis of failure to present a valid identity card or passport even when there is no threat to public policy, constitutes an unjustified restriction on the freedom to provide services and is therefore contrary to Article 49 EC.
4. It is for nationals of a Member State residing in another Member State in their capacity as recipients of services to provide evidence establishing that their residence is lawful. If no such evidence is provided, the host Member State may undertake deportation, subject to the limits imposed by Community law.

(¹) OJ C 171 of 19.07.2003.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 10 March 2005

in Case C-235/03 Reference for a preliminary ruling from the Juzgado de Primera Instancia No 35 Barcelona: QDQ Media SA v Alejandro Omedas Lecha (¹)

(Directive 2000/35/EC — Definition of recovery costs — Expenses of abogado or procurador in judicial proceedings where use of those legal practitioners is not required — Impossible to include in the costs on the basis of national law — Impossible to rely on the directive against an individual)

(2005/C 115/07)

(Language of the case: Spanish)

In Case C-235/03: reference for a preliminary ruling under Article 234 EC from the Juzgado de Primera Instancia No 35

de Barcelona (Spain), made by decision of 5 May 2003, received at the Court on 2 June 2003, in the proceedings between QDQ Media SA and Alejandro Omedas Lecha — the Court (Sixth Chamber), composed of A. Borg Barthet, President of the Chamber, J.-P. Puissechet (Rapporteur) and S. von Bahr, Judges; J. Kokott, Advocate General, R. Grass, Registrar, gave a judgment on 10 March 2005, the operative part of which is as follows:

Where it is not possible on the basis of national law to include, in the calculation of the costs which an individual who owes a business debt might be ordered to pay, the expenses arising from representation by an abogado or procurador of the creditor in judicial proceedings for the recovery of that debt, Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions cannot of itself serve as the basis for the inclusion of such expenses.

(¹) OJ C 171 of 19.07.03.

JUDGMENT OF THE COURT

(First Chamber)

of 10 March 2005

in Case C-336/03 Reference for a preliminary ruling from the High Court of Justice of England and Wales, Chancery Division: easyCar (UK) Ltd v Office of Fair Trading (¹)

(Protection of consumers in respect of distance contracts — Directive 97/7/EC — Contracts for the provision of transport services — Meaning — Contracts for car hire)

(2005/C 115/08)

(Language of the case: English)

In Case C-336/03: reference for a preliminary ruling under Article 234 EC from the High Court of Justice of England and Wales, Chancery Division (United Kingdom), made by decision of 21 July 2003, received at the Court on 20 July 2003, in the proceedings pending before that court between **easyCar (UK) Ltd** and **Office of Fair Trading** — the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Lenaerts, J.N. Cunha Rodrigues, K. Schiemann and M. Ilešič (Rapporteur), Judges; C. Stix-Hackl, Advocate General, K. Sztranc, Administrator, for the Registrar, gave a judgment on 10 March 2005, the operative part of which is as follows:

Article 3(2) of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts is to be interpreted as meaning that 'contracts for the provision of transport services' includes contracts for the provision of car hire services.

⁽¹⁾ OJ C 226 of 20.09.2003.

JUDGMENT OF THE COURT

(First Chamber)

of 10 March 2005

in Case C-342/03: Kingdom of Spain v Council of the European Union ⁽¹⁾

(Common commercial policy — Canned tuna originating in Thailand and the Philippines — Mediation within the WTO — Regulation (EC) No 975/2003 — Tariff quota)

(2005/C 115/09)

(Language of the case: Spanish)

In Case C-342/03, application for annulment under Article 230 EC, brought on 4 August 2003, Kingdom of Spain (Agent: N. Díaz Abad) v Council of the European Union (Agents: M. Bishop and D. Canga Fano) supported by Commission of the European Communities (Agents: X. Lewis and R. Vidal Puig) — the Court (First Chamber), composed of P. Jann, President of the Chamber, N. Colneric, J.N. Cunha Rodrigues, M. Ilešič (Rapporteur) and E. Levits, Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, gave a judgment on 10 March 2005, in which it:

1. Dismisses the action;
2. Orders the Kingdom of Spain to pay the costs, except those incurred by the Commission of the European Communities, which must bear its own costs.

⁽¹⁾ OJ C 226 of 20.09.2003.

JUDGMENT OF THE COURT OF JUSTICE

(Fifth Chamber)

of 10 March 2005

in Case C-449/03: Commission of the European Communities against French Republic ⁽¹⁾

(Failure of a member State to fulfil obligations — Management of waste — Waste tip at Saint-Laurent du Maroni — Directives 75/442/EE and 91/156/EEC)

(2005/C 115/10)

(Language of the case French)

In case C-449/03, action for failure to fulfil obligations brought on 24 October 2003 under Article 226 EC, Commission of the European Communities (Agents: M. Konstantinidis and B. Stromsky) against French Republic (agents: G. de Bergues and D. Petrausch), the Court (Fifth Chamber), composed of R. Silva de Lapuerta (Rapporteur), President of the Chamber, C. Gulmann and J. Klucka, Judges, Advocate General: L. A. Geelhoed, Registrar: R. Grass, has given a judgment on 10 March 2005 in which it:

1. Declares that,
 - by failing to issue a permit for the operation of the tip for household and equivalent waste situated within the limits of the municipality of Saint-Laurent du Maroni in French Guyana,
 - by refraining from taking the necessary measures to ensure that the waste on the abovementioned tip is treated or disposed of without endangering human health and without using processes or methods which might harm the environment, and
 - by refraining from taking the necessary measures to ensure that the operator of the abovementioned tip itself treats or disposes of waste or has it handled by a private or public waste collector,

the French Republic has failed to fulfil its obligations under Article 9, 4 and 8 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991;

2. Orders French Republic to pay the costs.

⁽¹⁾ OJ C 289, of 29.11.2003.