

ORDER OF THE COURT

(Fourth Chamber)

of 10 March 2005

in Case C-178/04: Reference for a preliminary ruling from the Bundesverwaltungsgericht in Franz Marhold v Land Baden-Württemberg ⁽¹⁾

(Article 104(3) of the Rules of Procedure — Workers — Civil servants working for employers in the national public sector — University professor — Grant of an annual special allowance)

(2005/C 182/39)

(Language of the case: German)

In Case C-178/04: reference for a preliminary ruling under Article 234 EC from the Bundesverwaltungsgericht (Federal Administrative Court) (Germany), made by decision of 28 January 2004, received at the Court on 15 April 2004, in the proceedings between **Franz Marhold** and **Land Baden-Württemberg** — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, J.N. Cunha Rodrigues and E. Levits (Rapporteur), Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, made an order on 10 March 2005, the operative part of which is as follows:

Article 39 EC precludes a national law which refuses the right to an annual special allowance to a civil servant who leaves his employment before 31 March of the following year in order to take up employment in the civil service of another Member State, although it grants the right to such an allowance where the civil servant's new post is within the national civil service.

⁽¹⁾ OJ C 156 of 12. 06. 2004.

ORDER OF THE COURT

(Fourth Chamber)

of 22 February 2005

in Case C-480/04: Reference for a preliminary ruling from the Tribunale di Viterbo in criminal proceedings against Antonello D'Antonio ⁽¹⁾

(Reference for a preliminary ruling — Inadmissibility)

(2005/C 182/40)

(Language of the case: Italian)

In Case C-480/04: reference for a preliminary ruling under Article 234 EC from the Tribunale di Viterbo (Italy), made by decision of 2 November 2004, received at the Court on 17 November 2004, in criminal proceedings against Antonello D'Antonio — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, N. Colneric and K. Schiemann (Rapporteur), Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, made an order on 22 February 2005, the operative part of which is as follows:

The reference for a preliminary ruling made by the Tribunale di Viterbo by decision of 2 November 2004 is manifestly inadmissible.

⁽¹⁾ OJ C 31 of 5.2.2005.

Action brought on 18 March 2005 by the Commission of the European Communities against the Republic of Austria

(Case C-128/05)

(2005/C 182/41)

(Language of the case: German)

An action against the Republic of Austria was brought before the Court of Justice of the European Communities on 18 March 2005 by the Commission of the European Communities, represented by Dr. Dimitris Triantafyllou, with an address for service in Luxembourg.