

(a) where the law of the first Member State is based on the premiss that evidence of fitness to drive as a substantive condition for restoration of a driving licence must be adduced in the form of a medical-psychological report specifically governed by national legislation and ordered by the authorities (which has not yet been done)

and/or

(b) where under national law there is an entitlement in the territory of the first Member State to be granted the right to make use of an EU driving licence issued after the expiry of the ban if the internal reasons for the withdrawal or for the ban no longer exist?

2. Should Article 1(2) in conjunction with Article 8(2) and (4) of Directive 91/439/EEC be interpreted as meaning that, in the event of an application for a driving licence to be granted to the holder of a driving licence from another Member State being made by handing over the driving licence of that other Member State (so-called 'reregistration'), a Member State, simply by virtue of the EU driving licence having been granted by that other Member State, is precluded from conducting a further examination of fitness — as stated by its internal law to be a condition for the grant of a licence and regulated therein — having regard to the circumstances in existence at the time that the EU driving licence was granted?

(<sup>1</sup>) OJ 1991 L 237, p. 1.

**Appeal brought on 26 May 2005 by L against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 9 March 2005 in Case T-254/02 L v Commission of the European Communities**

(Case C-230/05 P)

(2005/C 182/58)

(Language of the case: French)

An appeal against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 9 March 2005 in Case T-254/02 L v Commission of the European Communities was brought before the Court of Justice of the European Communities on 26 May 2005 by L, represented by P. Legros and S. Rodrigues, avocats.

The appellant claims that the Court should:

1. set aside the contested judgment of the Court of First Instance of the European Communities of 9 March 2005 in Case T-254/02;
2. uphold the claims for annulment and compensation made at first instance;

3. order the defendant to pay all the costs.

*Pleas in law and main arguments*

The contested judgment:

- first, infringed the rights of the defence and the interests of the applicant, in that the Court of First Instance committed several procedural irregularities and made several manifest errors of assessment and vitiated the contested judgment by not stating reasons, and
- second, infringed Community law by not drawing any consequences from the breach by the defendant of its obligations concerning the transmission of correspondence to its staff and the treatment within a reasonable time of its staff's affairs, by virtue of the general principle of sound administration.

#### Removal from the register of Case C-384/03 (<sup>1</sup>)

(2005/C 182/59)

(Language of the case: Spanish)

By order of 28 April 2005, the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-384/03: Commission of the European Communities v Kingdom of Spain.

(<sup>1</sup>) OJ C 264 of 01.11.2003.

#### Removal from the register of Case C-440/03 (<sup>1</sup>)

(2005/C 182/60)

(Language of the case: German)

By order of 4 April 2005, the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-440/03: Commission of the European Communities v Federal Republic of Germany.

(<sup>1</sup>) OJ C 289 of 29.11.2003.