

Does it follow from Community law (in particular from Article 7(2) of Regulation (EEC) No 1612/68 ⁽¹⁾ of the Council on freedom of movement for workers within the Community) that the Federal Republic of Germany is precluded from excluding a national of that State who lives in another Member State and is in minor employment (between 3 and 14 hours a week) in Germany from receiving German child-raising allowance because she does not have a residence or habitual place of stay in Germany?

⁽¹⁾ OJ, English Special Edition 1968 (II), p. 475.

Action brought on 17 May 2005 by the Commission of the European Communities against Ireland

(Case C-216/05)

(2005/C 193/17)

(Language of the case: English)

An action against Ireland was brought before the Court of Justice of the European Communities on 17 May 2005 by the Commission of the European Communities, represented by Mr Xavier Lewis, acting as Agent, with an address for service in Luxembourg.

The applicant claims that the Court should:

- declare that by making the full and effective participation of the public in certain environmental impact assessments subject to prior payment of participation fees, Ireland has failed to comply with its obligations under Articles 6 and 8 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ⁽¹⁾ as amended by Council Directive 97/11/EEC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment ⁽²⁾,
- order Ireland to pay the costs.

Pleas in law and main arguments

Irish planning law provides that participation fees can be charged to members of the public by planning authorities and by a planning appeals board for submitting observations or expressing opinions in planning procedures and for submitting observations in planning appeals. The Commission submits that the levying of such participation fees constitutes a breach of Directive 85/337/EEC, as amended by Directive 97/11/EEC, on the following grounds:

- no express provision of the directive permits the levying of such fees;
- such fees are contrary to the scheme and purpose of the directive;
- the wording of Article 6(2) and (3) of the directive does not allow for the latitude in interpretation that Ireland seeks to give it, and;
- Ireland impedes the rights given to the public under Article 6(2) of the Directive.

⁽¹⁾ OJ L 175, 05.07.1985, p. 40

⁽²⁾ OJ L 73, 14.03.1997, p. 5

Reference for a preliminary ruling from the Tribunal Supremo by order of that court of 3 March 2005 in Confederación Española de Empresarios de Estaciones de Servicio v Compañía Españolas de Petr6leos SA

(Case C-217/05)

(2005/C 193/18)

(Language of the case: Spanish)

Reference has been made to the Court of Justice of the European Communities by order of the Tribunal Supremo (Spain) of 3 March 2005, received at the Court Registry on 17 May 2005, for a preliminary ruling in the proceedings between Confederación Española de Empresarios de Estaciones de Servicio and Compañía Españolas de Petr6leos SA on the following questions: