

1. The concept of 'services' referred to by First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks, in particular in Article 2, covers services provided in connection with retail trade in goods.

2. For the purposes of registration of a trade mark for such services, it is not necessary to specify in detail the service(s) in question. However, details must be provided with regard to the goods or types of goods to which those services relate.

(<sup>1</sup>) OJ C 19 of 25.1.2003.

## JUDGMENT OF THE COURT

(First Chamber)

of 14 July 2005

in Case C-135/03 Commission of the European Communities v Kingdom of Spain (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Community rules on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs — National legislation authorising the use of the term 'bio' in respect of products which have not been organically produced)*

(2005/C 217/09)

(Language of the case: Spanish)

In Case C-135/03 Commission of the European Communities (Agents: G. Berscheid, B. Doherty, F. Jimeno Fernandez and S. Pardo Quintillán) v Kingdom of Spain (Agents: N. Díaz Abad and E. Braquehais Conesa) — action under Article 226 EC for failure to fulfil obligations, brought on 26 March 2003 — the Court (First Chamber), composed of P. Jann (Rapporteur), President of the Chamber, K. Lenaerts, J.N. Cunha Rodrigues, M. Ilešič and E. Levits, Judges; J. Kokott, Advocate General; M. Ferreira, Principal Administrator, for the Registrar, gave a judgment on 14 July 2005, in which it:

1. Dismisses the action;

2. Orders the Commission of the European Communities to pay the costs.

(<sup>1</sup>) OJ C 146 of 21.06.2003.

## JUDGMENT OF THE COURT

(Second Chamber)

of 7 July 2005

in Case C-147/03: Commission of the European Communities v Republic of Austria (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Articles 12 EC, 149 EC and 150 EC — Conditions of access to university education — Discrimination)*

(2005/C 217/10)

(Language of the case: German)

In Case C-147/03: Commission of the European Communities (Agents: W. Bogensberger and D. Martin), supported by Republic of Finland, (Agents: A. Guimaraes-Purokoski and T. Pynnä) v Republic of Austria (Agents: H. Dossi and E. Riedl, assisted by C. Ruhs and H. Kasparovsky) — action under Article 226 EC for failure to fulfil obligations, brought on 31 March 2003 — the Court (Second Chamber), composed of R. Silva de Lapuerta, President of the Fifth Chamber acting for the President of the Second Chamber, C. Gulmann, J. Makarczyk (Rapporteur), P. Küris and J. Klučka, Judges; F.G. Jacobs, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, gave a judgment on 7 July 2005, in which it:

1. Declares that, by failing to take the necessary measures to ensure that holders of secondary education diplomas awarded in other Member States can gain access to higher and university education organised by it under the same conditions as holders of secondary education diplomas awarded in Austria, the Republic of Austria has failed to fulfil its obligations under Articles 12 EC, 149 EC and 150 EC;

2. Orders the Republic of Austria to pay the costs.

(<sup>1</sup>) OJ C 112 of 10.5.2003.

## JUDGMENT OF THE COURT

(Third Chamber)

of 21 July 2005

**in Case C-149/03: Commission of the European Communities v Kingdom of Belgium** (<sup>1</sup>)

*(Failure by a Member State to fulfil obligations — System of fishing quotas — 1991 to 1996 fishing years)*

(2005/C 217/11)

(Language of the case: Dutch)

In Case C-149/03 Commission of the European Communities (Agent: T. van Rijn) v Kingdom of Belgium (Agent: A. Snoecx, assisted by H. Gilliams) — action under Article 226 EC for failure to fulfil obligations, brought on 1 April 2003 — the Court (Third Chamber), composed of A. Rosas, President of the Chamber, J.-P. Puissechet (Rapporteur), S. von Bahr, J. Malenovský and U. Löhmus, Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, gave a judgment on 21 July 2005, in which it:

1. Declares that, having failed

— to establish the appropriate detailed rules for utilisation of the quotas allocated to it for each of the fishing years in the period 1991 to 1996;

— in respect of each of those fishing years to ensure compliance with Community legislation on the conservation of fisheries resources through the supervision of fishing activities and appropriate monitoring of the unloading and registration of catches;

— in respect of each of those fishing years within a reasonable period of time provisionally to prohibit fishing with vessels which fly its flag or are registered within its territory when the applicable quota was deemed to have been exhausted;

— to adopt administrative or criminal measures against those responsible for fishing activities after bans had come into force,

the Kingdom of Belgium has failed to fulfil its obligations under Article 5(2) of Council Regulation (EEC) No 170/83 of 25

January 1983 establishing a Community system for the conservation and management of fishery resources, Article 9(2) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture, Article 1 and Article 11(1) and (2) of Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities and Article 2, Article 21(1) and (2) and Article 31 of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy.

2. Orders the Kingdom of Belgium to pay the costs.

(<sup>1</sup>) OJ C 135 of 07.06.2003.

## JUDGMENT OF THE COURT

(Grand Chamber)

of 12 July 2005

**in Case C-198/03 P: Commission of the European Communities v CEVA Santé Animale SA, Pfizer Enterprises Sàrl, International Federation for Animal Health (IFAH)** (<sup>1</sup>)

*(Appeal — Regulation (EEC) No 2377/90 — Veterinary medicinal products — Establishment of a maximum residue level for progesterone — Conditions governing the non-contractual liability of the Community)*

(2005/C 217/12)

(Language of the case: English)

In Case C-198/03 P — Appeal under Article 56 of the Statute of the Court of Justice, brought on 12 May 2003 by **Commission of the European Communities** (Agents: T. Christoforou and M. Shotton), the other parties to the proceedings being: **CEVA Santé Animale SA**, having its registered office in Libourne (France), (Lawyers: D. Waelbroeck, N. Rampal, and U. Zinsmeister), **Pfizer Enterprises Sàrl**, formerly Pharmacia Enterprises SA and, prior to that, Pharmacia & Upjohn SA, having its registered office in Luxembourg (Luxembourg) (Lawyers: D. Waelbroeck, N. Rampa and U. Zinsmeister), supported by **International Federation for Animal Health (IFAH)**, formerly Fédération européenne de la santé animale (Fedesa), established in Brussels (Belgium), (Lawyer: A. Vandecasteele) — the Court (Grand Chamber), composed of V. Skouris, President of the Chamber, P. Jann (Rapporteur), C.W.A. Timmermans and A. Borg Barthet, Presidents of