

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2001/88/EC of 23 October 2001 and Commission Directive 2001/93/EC of 9 November 2001 amending Directive 91/630/EEC laying down minimum standards for the protection of pigs, the Federal Republic of Germany has failed to fulfil its obligations under those directives;

2. Orders the Federal Republic of Germany to pay the costs.

(⁽¹⁾) OJ C 228 of 11.9.2004.

JUDGMENT OF THE COURT

(First Chamber)

of 8 September 2005

in Case C-288/04, Reference for a preliminary ruling from the Unabhängiger Finanzsenat, Außenstelle Wien, AB v Finanzamt für den 6., 7. und 15. Bezirk (⁽¹⁾)

(Protocol on the Privileges and Immunities of the European Communities — Staff regulations — Conditions of employment applicable to other servants — Local member of staff at the representation of the Commission in Austria — Tax treatment)

(2005/C 271/16)

(Language of the case: German)

In Case C-288/04: reference for a preliminary ruling under Article 234 EC from the Unabhängiger Finanzsenat, Außenstelle Wien (Austria), made by decision of 28 June 2004, received at the Court on 6 July 2004, in the proceedings between AB and Finanzamt für den 6., 7. und 15. Bezirk — the Court (First Chamber) composed of P. Jann, President of the Chamber, K. Lenaerts, K. Schiemann, E. Juhász (Rapporteur) and M. Ilešič, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, gave a judgment on 8 September 2005, the operative part of which is as follows:

For the purposes of applying Articles 13 and 16 of the Protocol on the Privileges and Immunities of the European Communities, the decision of a Community institution defining the status of one of its servants and determining his conditions of employment is binding on

national judicial and administrative authorities, so that they cannot make an independent classification of the employment relationship in question.

(⁽¹⁾) OJ C 251, 09.10.2004.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 8 September 2005

in Case C-427/04: Commission of the European Communities v Hellenic Republic (⁽¹⁾)

(Failure of a Member State to fulfil obligations — Directive 2001/16/EC — Trans-European networks — Interoperability of the trans-European conventional rail system — Failure to implement)

(2005/C 271/17)

(Language of the case: Greek)

In Case C-427/04 Commission of the European Communities (Agents: W. Wils and G. Zavvos) v Hellenic Republic (Agent: N. Dafniou) — action under Article 226 EC for failure to comply with obligations, brought on 5 October 2004 — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, M. Ilešič and E. Levits (Rapporteur), Judges; J. Kokott, Advocate General; R. Grass, Registrar, gave a judgment on 8 September 2005, in which it:

1. Declares that, by not adopting all the laws, regulations and administrative provisions necessary to comply with Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system, the Hellenic Republic has failed to fulfil its obligations under that directive;

2. Orders the Hellenic Republic to pay the costs.

(⁽¹⁾) OJ C 6 of 08.01.2005