

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

(¹) OJ C 168, 26.6.2004.

JUDGMENT OF THE COURT

(Second Chamber)

of 10 November 2005

in Case C-316/04, Reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven (Netherlands) Stichting Zuid-Hollandse Milieufederatie v College voor de toelating van bestrijdingsmiddelen (¹)

(Authorisation for the placing of plant protection and biocidal products on the market — Directive 91/414/EEC — Article 8 — Directive 98/8/EC — Article 16 — Power of Member States during the transitional period)

(2006/C 10/07)

(Language of the case: Dutch)

In Case C-316/04: reference for a preliminary ruling under Article 234 EC from the College van Beroep voor het bedrijfsleven (Netherlands), made by decision of 22 July 2004, received at the Court on 26 July 2004, in the proceedings between Stichting Zuid-Hollandse Milieufederatie and College voor de toelating van bestrijdingsmiddelen, in the presence of 3M Nederland BV and Others — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, J. Makarczyk, R. Schintgen, G. Arestis and J. Klučka (Rapporteur), Judges; F.G. Jacobs, Advocate General; M. Ferreira, Principal Administrator, for the Registrar, gave a judgment on 10 November 2005, in which it ruled:

1. Article 16(1) of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market must be interpreted as meaning that it does not constitute a 'standstill' obligation. However, the second paragraph of Article 10 EC and the third paragraph of Article 249 EC, and Directive 98/8, require that during the transitional period prescribed in Article 16(1) of that directive the Member States refrain from adopting any measures liable seriously to compromise the result prescribed by that directive.
2. Article 8(2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market is to be interpreted as meaning that if a Member State authorises

the placing on the market on its territory of plant protection products containing active substances not referred to in Annex I to that directive that were already on the market two years after the date of notification of the directive, it is not required to comply with the provisions of Article 4 or Article 8(3) of that directive.

3. Article 16(1) of Directive 98/8 has the same meaning as Article 8(2) of Directive 91/414.
4. It is for the national court to assess whether the evaluation provided for in Article 25d(2) of the Law on pesticides of 1962 (Bestrijdingsmiddelenwet) corresponds to all the characteristics of a 'review' within the meaning of Article 8(3) of Directive 91/414.
5. Article 8(3) of Directive 91/414 must be interpreted as meaning that it contains only provisions relating to the provision of data prior to a review.
6. There is no need to answer Question 1.

(¹) OJ C 239 of 25.09.2004.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 10 November 2005

in Case C-385/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland (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 transpose within the period prescribed)

(2006/C 10/08)

(Language of the case: English)

In Case C-385/04, Commission of the European Communities (Agent: W. Wils) v United Kingdom of Great Britain and Northern Ireland (Agent: C. White) — action under Article 226 EC for failure to fulfil obligations, brought on 7 September 2004 — the Court (Fourth Chamber), composed of K. Schiemann, President of the Chamber, K. Lenaerts and E. Levits (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, gave a judgment on 10 November 2005, in which it:

1. Declares that, by failing to adopt within the period prescribed 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 United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

(¹) OJ C 262, 23.10.2004.

ORDER OF THE COURT

(Sixth Chamber)

of 15 September 2005

in Case C-112/04 P: *Marlines SA v Commission of the European Communities* (¹)

(Appeal — Article 85(1) of the EC Treaty (now Article 81(1) EC) — Competition — Agreements, decisions and concerted practices — Agreements between undertakings — Proof of an undertaking's participation in business meetings with an anti-competitive purpose)

(2006/C 10/09)

(Language of the case: Greek)

In Case C-112/04 P: **Marlines SA** (lawyers: D. Papatheofanous and A. Anagnostou) against the **Commission of the European Communities** (Agents: R. Lyal and T. Christoforou) — an appeal under Article 56 of the Statute of the Court of Justice brought on 3 March 2004, the Court (Sixth Chamber), composed of A. Borg Barthet, President of the Chamber, A. La Pergola and J.-P. Puissochet (Rapporteur), Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, made an order on 15 September 2005, the operative part of which is as follows:

1. The appeal is dismissed as being in part clearly unfounded and in part clearly inadmissible.
2. *Marlines SA* is ordered to pay the costs.

(¹) OJ C 106, 30.04.2004

ORDER OF THE COURT

(Fourth Chamber)

of 6 October 2005

in Case C-328/04: reference for a preliminary ruling from the Fővárosi Bíróság in the criminal proceedings against Attila Vajnai (¹)

(Reference for a preliminary ruling — Interpretation of the principle of non-discrimination — National provision prohibiting, on pain of criminal prosecution, the use in public of a symbol consisting of a five-point red star — Lack of jurisdiction of the Court)

(2006/C 10/10)

(Language of the case: Hungarian)

In Case C-328/04: reference for a preliminary ruling under Article 234 EC from the Fővárosi Bíróság (Hungary), made by decision of 24 June 2004, received at the Court on 28 July 2004, in the criminal proceedings against Attila Vajnai — the Court (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, K. Schiemann (Rapporteur) and E. Juhász, Judges; C. Stix Hackl, Advocate General; R. Grass, Registrar, made an order on 6 October 2005, the operative part of which is as follows:

The Court of Justice of the European Communities clearly has no jurisdiction to answer the question referred by the Fővárosi Bíróság (Hungary) by decision of 24 June 2004.

(¹) OJ C 262, 23.10.2004.

ORDER OF THE COURT

(Fifth Chamber)

of 16 September 2005

in Case C-342/04 P: *Jürgen Schmoldt and Others v Commission of the European Communities* (¹)

(Appeal — Construction products — Harmonised standards and technical regulations — Thermal insulation standards)

(2006/C 10/11)

(Language of the case: German)

In Case C-342/04 P: appeal under Article 56 of the Statute of the Court of Justice lodged on 10 August 2004 by Jürgen