

Action brought on 11 October 2006 — Commission of the European Communities v Republic of Poland

(Case C-416/06)

(2006/C 326/54)

Language of the case: Polish

Parties

Applicant: Commission of the European Communities (represented by: M. Shotter and K. Mojzesowicz, acting as Agents)

Defendant: Republic of Poland

Form of order sought

- declare that, by not ensuring actual availability of at least one comprehensive directory and one comprehensive directory enquiry service in accordance with the requirements set out in Article 5(1) and (2) and Article 25(1) and (3) of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services⁽¹⁾, the Republic of Poland has failed to fulfil its obligations under that directive;
- order the Republic of Poland to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of Directive 2002/22 expired on 30 June 2004.

⁽¹⁾ OJ No L 108, 24.4.2002, p. 51.

Reference for a preliminary ruling from the Verwaltungsgericht Schwerin (Germany) lodged on 16 October 2006 — Rüdiger Jäger v Amt für Landwirtschaft Bützow

(Case C-420/06)

(2006/C 326/55)

Language of the case: German

Referring court

Verwaltungsgericht Schwerin

Parties to the main proceedings

Applicant: Rüdiger Jäger

Defendant: Amt für Landwirtschaft Bützow

Question referred

Can Article 2(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests⁽¹⁾ be construed as meaning that a provision imposing a more favourable penalty (concerning livestock aid) is to be applied retroactively even if that provision in principle only applies for a period of time during which livestock aid in the Member State concerned is no longer granted as a direct payment has been introduced?

⁽¹⁾ OJ 1995 L 312, p. 1.

Reference for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 16 October 2006 — Fratelli Martini & C. s.p.a, Cargill s.r.l. v Ministero delle Politiche Agricole e Forestali, Ministero della Salute, Ministero delle Attività Produttive

(Case C-421/06)

(2006/C 326/56)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicants: Fratelli Martini & C. s.p.a, Cargill s.r.l.

Defendants: Ministero delle Politiche Agricole e Forestali, Ministero della Salute, Ministero delle Attività Produttive,

Questions referred

1. Following the judgment of the Court of Justice of 6 December 2005 in Joined Cases 453/03, 11/04, 12/04 and 194/04, which declared Directive 2002/2⁽¹⁾ partially invalid, are the European institutions which adopted that Directive, having regard to Article 233 of the EC Treaty (referring to acts which have been declared void) 'required to take the necessary measures to comply with the judgment of the Court of Justice'?
2. If the answer to question (1) is in the affirmative, must the measures which the European institutions are required to adopt in order to bring Directive 2002/2 into conformity with that judgment of the Court of Justice enter into force first in the Community legal order, to enable the Member States to implement them in their own legal systems?