

### Operative part of the judgment

The Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 1789/2003 of 11 September 2003, must be interpreted as meaning that keypad membranes of polycarbonate which have moulded keys on their upper side and non-conductive contact pins on their underside and are intended for incorporation into mobile telephones are covered by subheading 8529 90 40.

(<sup>1</sup>) OJ C 143, 17.6.2006.

### Judgment of the Court (Seventh Chamber) of 1 February 2007 — Commission of the European Communities v Portuguese Republic

(Case C-324/06) (<sup>1</sup>)

*(Failure by a Member State to fulfil its obligations — Directive 2004/116/EC — Inclusion of the yeast Candida guilliermondii in Annex I to Directive 82/471/ECC — Failure to adopt necessary measures)*

(2007/C 82/14)

Language of the case: Portuguese

#### Parties

*Applicant:* Commission of the European Communities (represented by: A. Szymkowska and P. Guerra e Andrade, acting as Agents)

*Defendant:* Portuguese Republic (represented by: L. Fernandes and F. Fraústo de Azevedo, acting as Agents)

#### Re:

Failure by a Member State to fulfil its obligations — Failure to adopt, within the period prescribed, all the measures necessary to comply with Commission Directive 2004/116/EC of 23 December 2004 amending the Annex to Council Directive 82/471/EEC as regards the inclusion of *Candida guilliermondii* (OJ 2004 L 379, p. 81)

### Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/116/EC of 23 December 2004 amending the Annex to Council Directive 82/471/EEC as regards the inclusion of *Candida guilliermondii*, the Portuguese Republic has failed to fulfil its obligations under Article 2(1) of that directive;

2. Orders the Portuguese Republic to pay the costs.

(<sup>1</sup>) OJ C 224 of 16.9.2006.

### Order of the Court (Sixth Chamber) of 14 December 2006 — Herbert Meister v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-12/05 P) (<sup>1</sup>)

*(Appeal — Employment — Reassignment of a head of service as legal adviser to the Vice-President for Legal Affairs — Appeal in part manifestly inadmissible and in part manifestly unfounded)*

(2007/C 82/15)

Language of the case: French

#### Parties

*Appellant:* Herbert Meister (represented by: P. Goergen, lawyer)

*Other party to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: I. de Medrano Caballero, Agent)

#### Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 28 October 2004 in Case T-76/03 *Meister v OHIM*, in which the Court of First Instance dismissed the action for annulment of OHIM's decision of 22 April 2002 appointing the appellant, in the interest of the service, with his post, as legal adviser to the Vice-President for Legal Affairs

### Operative part of the order

1. The appeal and cross-appeal are dismissed;
2. Mr Meister is ordered to pay the costs of the appeal;
3. The Office for Harmonisation in the Internal Market (Trade Marks and Designs) is ordered to pay the costs of the cross-appeal.

(<sup>1</sup>) OJ C 93, 16.4.2005.