

Re:

Failure of a Member State to fulfil obligations — Failure to fulfil obligations resulting from Article 12(6) of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) (OJ 1992 L 228, p. 1) and Article 14(5) of Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance (OJ 2002 L 345, p. 1) — National legislation which is discriminatory towards insurers in other Member States

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Commission of the European Communities to pay the costs.

(¹) OJ C 19, 22.1.2005.

**Judgment of the Court (First Chamber) of 18 July 2007 —
Commission of the European Communities v Italian
Republic**

(Case C-134/05) (¹)

(Failure of a Member State to fulfil obligations — Freedom to provide services — Right of establishment — Extrajudicial debt recovery)

(2007/C 235/04)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: E. Traversa, Agent)

Defendant: Italian Republic (represented by: I.M. Braguglia and P. Gentili, Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 43 EC and 49 EC — National law making it compulsory to obtain a licence in order to carry on the business of extra-judicial credit recovery the validity of which is restricted to the province in which it was granted.

Operative part of the judgment

1. Declares that, by requiring, within the context of the Consolidated Law on public security (*Testo unico delle leggi di pubblica sicurezza*), approved by Royal Decree No 773 of 18 June 1931, every undertaking pursuing the activity of extrajudicial debt recovery:

- to apply, even though the undertaking holds a licence issued by the Questore of a province, for a new licence for each other province in which it wishes to carry on its activities, unless it confers authority on an authorised agent in that other province, the Italian Republic has failed to fulfil its obligations under Articles 43 EC and 49 EC;
- to have premises in the territory covered by the licence and to display in those premises a list of the services which may be provided for clients, the Italian Republic has failed to fulfil its obligations under Article 49 EC;
- to have premises in each province in which it intends to carry on its activities, the Italian Republic has failed to fulfil its obligations under Article 43 EC;

2. Dismisses the action as to the remainder;

3. Orders the Commission of the European Communities and the Italian Republic to bear their own respective costs.

(¹) OJ C 143, 11.6.2005.

**Judgment of the Court (Grand Chamber) of 18 July 2007
(reference for a preliminary ruling from the Korkein
hallinto-oikeus) — Oy AA**

(Case C-231/05) (¹)

(Freedom of establishment — Corporate tax legislation — Ability of a company to deduct sums paid by way of intra-group transfer — Obligation on the transferee company also to have its establishment in the Member State concerned)

(2007/C 235/05)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant: Oy AA