

Republic of Lithuania (represented by: D. Kriauciūnas and E. Matulionytė, Agents), Republic of Hungary (represented by: R. Somssich, K. Veres and M. Fehér, Agents), Romania (represented by: C. Osman, A. Gheorghiu, A. Stoia and A. Popescu, Agents), Slovak Republic (represented by: J. Čorba and B. Ricziová, Agents)

Re:

Failure by a Member State to fulfil its obligations — Infringement of Articles 43 EC and 45 EC — National legislation making access to the profession of notary and its pursuit subject to a nationality requirement — Restriction on the freedom of establishment — Scope of the exception relating to activities connected with the exercise of official authority — Requirement of direct and specific connection with such exercise

Operative part of the judgment

The Court:

1. Declares that, by imposing a nationality requirement for access to the profession of notary, the French Republic failed to fulfil its obligations under Article 43 EC;
2. Orders the French Republic to pay the costs;
3. Orders the Republic of Bulgaria, the Czech Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, Romania, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

(¹) OJ C 128, 24.5.2008.

Judgment of the Court (Grand Chamber) of 24 May 2011 — European Commission v Grand Duchy of Luxembourg

(Case C-51/08) (¹)

(Failure of a Member State to fulfil obligations — Article 43 EC — Freedom of establishment — Civil-law notaries — Nationality condition — Article 45 EC — Connection with the exercise of official authority — Directive 89/48/EEC)

(2011/C 204/04)

Language of the case: French

Parties

Applicant: European Commission (represented by: J.-P. Keppenne and H. Støvlbæk, Agents)

Intervener in support of the applicant: United Kingdom of Great Britain and Northern Ireland (represented by: E. Jenkinson and S. Ossowski, Agents)

Defendant: Grand Duchy of Luxembourg (represented by: C. Schiltz, Agent, and J.-J. Lorang, avocat)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek, Agent), French Republic (represented by: G. de Bergues and M. Messmer, Agents), Republic of Latvia (represented by: L. Ostrovska, K. Drēviņa and J. Barbale, Agents), Republic of Lithuania (represented by: D. Kriauciūnas and E. Matulionytė, Agents), Republic of Hungary (represented by: J. Fazekas, R. Somssich, K. Veres and M. Fehér, Agents), Republic of Poland (represented by: M. Dowgielewicz, C. Herma and D. Lutostańska, Agents), Slovak Republic (represented by: J. Čorba, Agent)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 43 EC and 45 EC — National legislation making access to the profession of notary and its practice subject to a nationality requirement — Restriction on freedom of establishment — Scope of the exception relating to activities connected with the exercise of official authority — Requirement of direct and specific connection with such exercise — Failure to transpose, in respect of the profession of notary, Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16)

Operative part of the judgment

The Court:

1. Declares that, by imposing a nationality condition for access to the profession of notary, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 43 EC;
2. Dismisses the action as the remainder;
3. Orders the European Commission, the Grand Duchy of Luxembourg, the Czech Republic, the French Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

(¹) OJ C 128, 24.5.2008.

Judgment of the Court (Grand Chamber) of 24 May 2011 — European Commission v Portuguese Republic

(Case C-52/08) (¹)

(Failure by a Member State to fulfil its obligations — Notaries — Directive 2005/36/EC)

(2011/C 204/05)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: represented by H. Støvlbæk and P. Andrade, Agents)

Intervener in support of the applicant: United Kingdom of Great Britain and Northern Ireland (represented by: S. Ossowski, Agent, and by K. Smith, Barrister)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes and F.S. Gaspar Rosa, Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek, Agent), Republic of Lithuania (represented by: D. Kriauciūnas and E. Matulionytė, Agents), Republic of Slovenia (represented by: V. Klemenc and Ž. Čilenšek Bončina, Agents), Slovak Republic (represented by: J. Čorba, Agent)

Re:

Failure by a Member State to fulfil its obligations — Failure to adopt within the period prescribed, with regard to the profession of notary, the provisions necessary to comply with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22), which repealed Directive 89/49/EEC (OJ 1989 L 19, p. 16)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to pay the costs;
3. Orders the Czech Republic, the Republic of Lithuania, the Republic of Slovenia, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

(¹) OJ C 107, 26.4.2008.

**Judgment of the Court (Grand Chamber) of 24 May 2011
— European Commission v Republic of Austria**

(Case C-53/08) (¹)

(Failure of a Member State to fulfil obligations — Article 43 EC — Freedom of establishment — Civil-law notaries — Nationality condition — Article 45 EC — Connection with the exercise of official authority — Directives 89/48/EEC and 2005/36/EC)

(2011/C 204/06)

Language of the case: German

Parties

Applicant: European Commission (represented by: G. Braun and H. Støvlbæk, Agents)

Intervener in support of the applicant: United Kingdom of Great Britain and Northern Ireland (represented by: S. Behzadi-Spencer, Agent)

Defendant: Republic of Austria (represented by: E. Riedl, M. Aufner and G. Holley, Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek, Agent), Federal Republic of Germany (represented by: M. Lumma and J. Kemper, Agents), French Republic (represented by: G. de Bergues and B. Messmer, Agents), Republic of Latvia (represented by: L. Ostrovska, K. Drēviņa and J. Barbale, Agents), Republic of Lithuania (represented by: D. Kriauciūnas and E. Matulionytė, Agents), Republic of Hungary (represented by: R. Somssich, K. Veres and M. Fehér, Agents), Republic of Poland (represented by: M. Dowgielewicz, C. Herma and D. Lutostańska, Agents), Republic of Slovenia (represented by: V. Klemenc and Ž. Cilenšek Bončina, Agents), Slovak Republic (represented by: J. Čorba, Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 43 and 45 EC — Failure to transpose, as regards the profession of notary, Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of profes-

sional education and training of at least three years' duration (OJ 1989 L 19, p. 16) and Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22) — National legislation making the exercise of the profession of notary subject to the condition of nationality — Concept of 'activity connected with the exercise of official authority'

Operative part of the judgment

The Court:

1. Declares that, by imposing a nationality condition for access to the profession of notary, the Republic of Austria has failed to fulfil its obligations under Article 43 EC;
2. Dismisses the action as the remainder;
3. Orders the European Commission, the Republic of Austria, the Czech Republic, the Federal Republic of Germany, the French Republic, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia, the Slovak Republic and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

(¹) OJ C 107, 26.4.2008.

**Judgment of the Court (Grand Chamber) of 24 May 2011
— European Commission v Federal Republic of Germany**

(Case C-54/08) (¹)

(Failure of a Member State to fulfil obligations — Article 43 EC — Freedom of establishment — Civil-law notaries — Nationality condition — Article 45 EC — Connection with the exercise of official authority — Directives 89/48/EEC and 2005/36/EC)

(2011/C 204/07)

Language of the case: German

Parties

Applicant: European Commission (represented by: H. Støvlbæk and G. Braun, Agents)

Intervener in support of the applicant: United Kingdom of Great Britain and Northern Ireland (represented by: S. Behzadi-Spencer, Agent)

Defendant: Federal Republic of Germany (represented by: M. Lumma, J. Kemper, U. Karpenstein and J. Möller, Agents)

Interveners in support of the applicant: Republic of Bulgaria (represented by: T. Ivanov and E. Petranova, Agents), Czech Republic (represented by: M. Smolek, Agent), Republic of Estonia (represented by: L. Uibo, Agent), French Republic (represented by: G. de Bergues and B. Messmer, Agents), Republic of Latvia (represented by: L. Ostrovska, K. Drēviņa and J. Barbale, Agents), Republic of Lithuania (represented by: D. Kriauciūnas and E. Matulionytė, Agents), Republic of Hungary (represented by: R. Somssich, K. Veres and M. Fehér), Republic of Austria (represented by: E. Riedl, G. Holley and M. Aufner, Agents), Republic of Poland (represented by: M. Dowgielewicz, C. Herma and D. Lutostańska, Agents), Republic of Slovenia (represented by: V. Klemenc and Ž. Cilenšek Bončina, Agents), Slovak Republic (represented by: J. Čorba and B. Ricziová, Agents)