

Parties to the main proceedings

Applicant: Dieter Janecek

Defendant: Freistaat Bayern

Re:

Reference for a preliminary ruling — Bundesverwaltungsgericht — Interpretation of Article 7(3) of Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management (OJ 1996 L 296, p. 55) — Entitlement of a third party whose health is impaired to have an action plan drawn up as provided for by the Directive, where that third party is entitled under national law to bring legal proceedings for measures to prevent the value limits of particulate matter being exceeded

Operative part of the judgment

- 1) Article 7(3) of Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003, must be interpreted as meaning that, where there is a risk that the limit values or alert thresholds may be exceeded, persons directly concerned must be in a position to require the competent national authorities to draw up an action plan, even though, under national law, those persons may have other courses of action available to them for requiring those authorities to take measures to combat atmospheric pollution.
- 2) The Member States are obliged, subject to judicial review by the national courts, only to take such measures — in the context of an action plan and in the short term — as are capable of reducing to a minimum the risk that the limit values or alert thresholds may be exceeded and of ensuring a gradual return to a level below those values or thresholds, taking into account the factual circumstances and all opposing interests.

⁽¹⁾ OJ C 183, 4.8.2007.

Judgment of the Court (Eighth Chamber) of 25 July 2008
— Commission of the European Communities v Slovak Republic

(Case C-493/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2002/22/EC — Article 26(3) — Electronic communications — Networks and services — Single European emergency call number — Failure to transpose within the period prescribed)

(2008/C 236/06)

Language of the case: Slovak

Parties

Applicant: Commission of the European Communities (represented by: G. Braun and J. Javorský, Agents)

Defendant: Slovak Republic (represented by: J. Čorba, Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to take within the prescribed period the necessary measures to comply with Article 26(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 (Universal Service Directive) (OJ 2002 L 108, p. 51)

Operative part of the judgment

The Court:

1. Declares that, by failing to ensure that that undertakings which operate public telephone networks make, in so far as it is technically feasible, caller location information available to authorities handling emergencies for calls to the single European emergency call number '112', the Slovak Republic has failed to fulfil its obligations under Article 26(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 (Universal Service Directive);
2. Orders the Slovak Republic to pay the costs.

⁽¹⁾ OJ C 315, 22.12.2007.

Judgment of the Court (Grand Chamber) of 25 July 2008
(reference for a preliminary ruling from the High Court of Ireland) — Blaise Baheten Metock, Hanette Eugénie Ngo Ikeng, Christian Joel Baheten, Samuel Zion Ikeng Baheten, Hencheal Ikogho, Donna Ikogho, Roland Chinedu, Marlene Babucke Chinedu, Henry Igboanusi, Rokšana Batkowska v Minister for Justice, Equality and Law Reform

(Case C-127/08) ⁽¹⁾

(Directive 2004/38/EC — Right of Union citizens and their family members to move and reside freely in the territory of a Member State — Family members who are nationals of non-member countries — Nationals of non-member countries who entered the host Member State before becoming spouses of Union citizens)

(2008/C 236/07)

Language of the case: English

Referring court

High Court of Ireland

Parties to the main proceedings

Applicants: Blaise Baheten Metock, Hanette Eugenie Ngo Ikeng, Christian Joel Baheten, Samuel Zion Ikeng Baheten, Hencheal Ikogho, Donna Ikogho, Roland Chinedu, Marlene Babucke Chinedu, Henry Igboanusi, Roksana Batkowska

Defendant: Minister for Justice, Equality and Law Reform

Re:

Reference for a preliminary ruling — High Court of Ireland — Interpretation of Article 3(1) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely within the territory of Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77) — Spouse who is a non-EU national — National legislation of the host Member State making the right of residence of family members subject to prior lawful residence in another Member State

Operative part of the judgment

1. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC precludes legislation of a Member State which requires a national of a non-member country who is the spouse of a Union citizen residing in that Member State but not possessing its nationality to have previously been lawfully resident in another Member State before arriving in the host Member State, in order to benefit from the provisions of that directive.
2. Article 3(1) of Directive 2004/38 must be interpreted as meaning that a national of a non-member country who is the spouse of a Union citizen residing in a Member State whose nationality he does not possess and who accompanies or joins that Union citizen benefits from the provisions of that directive, irrespective of when and where their marriage took place and of how the national of a non-member country entered the host Member State.

(¹) OJ C 116, 9.5.2008.

Order of the Court (Third Chamber) of 12 June 2008 (reference for a preliminary ruling from the Monomeles Protodikeio Kerkyras — Greece) — Vassilakis Spyridon, Theodoros Gkisdakis, Petros Grammenos, Nikolaos Grammenos, Theodosios Grammenos, Maria Karavassili, Eleftherios Kontomaris, Spyridon Komninos, Theofilos Mesimeris, Spyridon Monastiriotis, Spyridon Moumouris, Nektaria Mexa, Nikolaos Pappas, Christos Vlachos, Alexandros Grasselis, Stamatios Kourtelesis, Konstantinos Poulimenos, Savvas Sideropoulos, Alexandros Dellis, Michail Zervas, Ignatios Koskieris, Dimitiros Daikos, Christos Dranos v Dimos Kerkyras

(Case C-364/07) (¹)

(Article 104(3), first paragraph, of the Rules of Procedure — Social policy — Directive 1999/70/EC — Framework agreement on fixed-term work — Successive fixed-term employment contracts in the public sector — Concepts of ‘successive contracts’ and ‘objective reasons’ justifying the renewal of such contracts — Measures intended to prevent abuse — Sanctions — Settlement at national level of disputes and grievances — Scope of the obligation to interpret national law in conformity with Community law)

(2008/C 236/08)

Language of the case: Greek

Referring court

Monomeles Protodikeio Kerkyras

Parties

Applicants: Vassilakis Spyridon, Theodoros Gkisdakis, Petros Grammenos, Nikolaos Grammenos, Theodosios Grammenos, Maria Karavassili, Eleftherios Kontomaris, Spyridon Komninos, Theofilos Mesimeris, Spyridon Monastiriotis, Spyridon Moumouris, Nektaria Mexa, Nikolaos Pappas, Christos Vlachos, Alexandros Grasselis, Stamatios Kourtelesis, Konstantinos Poulimenos, Savvas Sideropoulos, Alexandros Dellis, Michail Zervas, Ignatios Koskieris, Dimitiros Daikos, Christos Dranos

Defendant: Dimos Kerkyras (Municipality of Corfu)

Re:

Reference for a preliminary ruling — Monomeles Protodikeio Kerkyras [Corfu Court of First Instance] — Interpretation of Clause 5(1) and (2) of the Annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43) — Employment contracts entered into with public authorities — Concept of objective reasons justifying the renewal, without restriction, of successive fixed-term contracts — Concept of successive contracts