

is entitled under that provision to deduct or obtain a refund in that Member State of input value added tax on telecommunications services that have been supplied to an undertaking having its principal place of business in another Member State, since such a supplier would have had that right if the services at issue had been supplied in the territory of the former Member State.

<sup>(1)</sup> OJ C 285, 8.11.2008.

**Judgment of the Court (Eighth Chamber) of 2 July 2009 — Commission of the European Communities v Hellenic Republic**

(Case C-465/08) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2005/36/EC — Right of establishment — Recognition of professional qualifications — Failure to adopt within the prescribed period)*

(2009/C 205/18)

Language of the case: Greek

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Karanasou Apostolopoulou and H. Støvlbæk, acting as Agents)

*Defendant:* Hellenic Republic (represented by: E. Skandalou, acting as Agent)

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures 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 repeals Directive 89/49/EEC (OJ 1989 L 19, p. 16)

**Operative part of the judgment**

*The Court:*

1. Declares that, by not adopting the laws, regulations and administrative 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, and in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;
2. Orders the Hellenic Republic to pay the costs.

<sup>(1)</sup> OJ C 327, 20.12.2008.

**Judgment of the Court (Eighth Chamber) of 9 July 2009 — Commission of the European Communities v Kingdom of Belgium**

(Case C-469/08) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2005/36/EC — Recognition of professional qualifications — Failure to transpose within the prescribed period)*

(2009/C 205/19)

Language of the case: French

**Parties**

*Applicant:* Commission of the European Communities (represented by: H. Støvlbæk and V. Peere, Agents)

*Defendant:* Kingdom of Belgium (represented by: D. Haven, Agent)

**Re:**

Failure of a Member State to fulfil obligations — Failure to have adopted or notified, within the prescribed period, all the measures 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).

**Operative part of the judgment**

*The Court:*

1. Declares that, by not adopting, within the prescribed period, all the laws, regulations and administrative 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, the Kingdom of Belgium has failed to fulfil its obligations under that directive.
2. Orders the Kingdom of Belgium to pay the costs.

<sup>(1)</sup> OJ C 6, 10.01.2009.

**Judgment of the Court (Fifth Chamber) of 30 June 2009 — Commission of the European Communities v Kingdom of Belgium**

(Case C-490/08) <sup>(1)</sup>

*(Failure of Member State to fulfil its obligations — Directive 2005/68/EC — Reinsurance — Failure to adopt within the prescribed period)*

(2009/C 205/20)

Language of the case: French

**Parties**

*Applicant:* Commission of the European Communities (represented by: N. Yerrell, acting as Agent, acting as Agent)