

JUDGMENT OF THE COURT

(Sixth Chamber)

of 6 March 2003

in Case C-14/01 (Reference for a preliminary ruling from the Verwaltungsgericht Hannover): Molkerei Wagenfeld Karl Niemann GmbH & Co. KG v Bezirksregierung Hannover ⁽¹⁾

(Common organisation of the markets — Milk and milk products — Scheme of aid for skimmed milk — Validity of Regulation (EC) No 2799/1999 — Powers of the Commission (Article 11(1) of Regulation (EC) No 1255/1999) — Prohibition of discrimination (Article 34(2) EC) — Principles of legal certainty and the protection of legitimate expectations)

(2003/C 101/10)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-14/01: Reference to the Court under Article 234 EC by the Verwaltungsgericht Hannover (Germany) for a preliminary ruling in the proceedings pending before that court between Molkerei Wagenfeld Karl Niemann GmbH & Co. KG and Bezirksregierung Hannover, on the validity of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder (OJ 1999 L 340, p. 3), the Court (Sixth Chamber), composed of: R. Schintgen, President of the Second Chamber, acting for the President of the Sixth Chamber, V. Skouris (Rapporteur), F. Macken, N. Colneric and J.N. Cunha Rodrigues, Judges; P. Léger, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 6 March 2003, in which it has ruled:

Examination of the question referred for a preliminary ruling has revealed no factor of such a kind as to affect the legality of Commission Regulation (EC) No 2799/1999 of 17 December 1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder.

⁽¹⁾ OJ C 79 of 10.3.2001.

JUDGMENT OF THE COURT

of 25 February 2003

in Case C-59/01: Commission of the European Communities v Italian Republic ⁽¹⁾

(Failure by a Member State to fulfil obligations — Directive 92/49/EEC — Freedom to set premiums and abolition of prior or systematic controls over premiums and contracts — Gathering of information)

(2003/C 101/11)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-59/01, Commission of the European Communities (Agents: C. Tufvesson and A. Aresu) v Italian Republic (Agent: U. Leanza, assisted by G. de Bellis): Application for a declaration that, by introducing and maintaining in force rate-freezing rules applicable to all contracts of insurance in respect of third-party liability arising from the use of motor vehicles in relation to risks situated within Italian territory, without distinguishing between insurance companies having their head office in Italy and those carrying on business in Italy through branch offices or under the freedom to provide services, in breach of:

- (a) the principle of the freedom to set premiums and the abolition of prior or systematic controls over premiums and contracts, as dealt with in Articles 6, 29 and 39 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);
- (b) the provisions of Article 44 of that directive, which concern arrangements for gathering information on the amount of the premiums, claims and commission, the frequency and average cost of claims, and the exchange of information between the regulatory authorities of the home Member State and those of the host Member State,

the Italian Republic has failed to fulfil its obligations under that directive, the Court, composed of: G.C. Rodríguez Iglesias, President, J.-P. Puissochet, M. Wathelet and C.W.A. Timmermans (Presidents of Chambers), D.A.O. Edward, P. Jann, F. Macken, N. Colneric, S. von Bahr, J.N. Cunha Rodrigues