

course in the district of Wörschach in the Province of Styria despite a negative assessment of the implications for the habitat of the corncrake (*crex crex*) in the special protection area, within the meaning of Article 4 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1), situated in that district, the Republic of Austria has failed to fulfil its obligations under Article 6(3) and (4), in conjunction with Article 7, of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7), the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur), J.N. Cunha Rodrigues, J.-P. Puissochet and N. Colneric, Judges; P. Léger, Advocate General; R. Grass, Registrar, has given a judgment on 29 January 2004, in which it:

1. Declares that, by authorising the proposed extension of the golf course in the district of Wörschach in the Province of Styria despite a negative assessment of its implications for the habitat of the corncrake (*crex crex*) in the 'Wörschacher Moos' special protection area situated in that district and classified as provided for in Article 4 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, the Republic of Austria has failed to fulfil its obligations under Article 6(3) and (4), in conjunction with Article 7, of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
2. Orders the Republic of Austria to pay the costs.

(¹) OJ C 169 of 13.7.2002.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 29 January 2004

in Case C-218/02: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland (¹)

(Failure of a Member State to fulfil obligations — Directive 96/29/Euratom — Protection of the health of workers and the general public against the dangers arising from ionizing radiation — Failure to transpose in whole territory)

(2004/C 71/07)

(Language of the case: English)

In Case C-218/02, Commission of the European Communities (Agents: initially T.F. Cusack, and, subsequently, X. Lewis),

with an address for service in Luxembourg, v United Kingdom of Great Britain and Northern Ireland (Agent: K. Manji): Application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ 1996 L 159, p. 1) in its whole territory, or in any event by failing to communicate them to the Commission, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive, the Court (Fourth Chamber), composed of: C.W.A. Timmermans (Rapporteur), acting for the President of the Fourth Chamber, A. La Pergola and S. von Bahr, Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given a judgment on 29 January 2004, in which it:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation in its whole territory, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

(¹) OJ C 180 of 27.7.2002.

Reference for a preliminary ruling by the Magistrates' Court, Bitonto by order of that court of 21 November 2003 in the case of Vincenzo Manfredi against Lloyd Adriatico Assicurazioni

(Case C-509/03)

(2004/C 71/08)

Reference has been made to the Court of Justice of the European Communities by order of the Magistrates' Court, Bitonto of 21 November 2003, received at the Court Registry on 4 December 2003, for a preliminary ruling in the case of Vincenzo Manfredi against Lloyd Adriatico Assicurazioni. The Magistrates' Court, Bitonto asks the Court to give a ruling on the following questions:

1. Do the facts as found in Judgment No 2199 of the Consiglio di Stato (Council of State) of 23 April 2002 and in Judgment No 6139 of the Tribunale Amministrativo Regionale (Regional Administrative Court), Lazio (Rome) of 5 July 2001, which are deemed to be set out here in full, constitute infringements of Community law, in particular of Articles 81 EC and 82 EC?