

## JUDGMENT OF THE COURT

(Third Chamber)

of 13 February 2003

in Case C-409/00: Kingdom of Spain v Commission of the European Communities <sup>(1)</sup>

*(State Aid — Transport — Commission notice on the ‘de minimis’ rule for State aid — Relevant market — Transport services on own account — Transport services for hire or reward — Community guidelines on State aid for environmental protection)*

(2003/C 101/08)

*(Language of the case: Spanish)*

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

In Case C-409/00, Kingdom of Spain (Agent: Mónica López-Monís Gallego) v Commission of the European Communities (Agents: D. Triantafyllou and S. Pardo): Application for annulment of Commission Decision of 26 July 2000 on the aid scheme implemented by Spain for the purchase of commercial vehicles via the Cooperation Agreement of 26 February 1997 between the Ministry of Industry and Energy and the Official Credit Institute (OJ L 212 of 7.8.2001, p. 34), the Court (Third Chamber), composed of: J.-P. Puissechet (Rapporteur), President of the Chamber, F. Macken and J.N. Cunha Rodrigues, Judges; M.S. Alber, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 13 February 2003, in which it:

1. Annuls Articles 2 and 4 of Commission Decision 2001/605/EC of 26 July 2000 on the aid scheme implemented by Spain for the purchase of commercial vehicles via the Cooperation Agreement of 26 February 1997 between the Ministry of Industry and Energy and the Official Credit Institute.
2. Orders the Commission of the European Communities to pay the costs.

<sup>(1)</sup> OJ C 28 of 27.1.2001.

## JUDGMENT OF THE COURT

of 6 March 2003

in Case C-466/00 (Reference for a preliminary ruling from the Immigration Adjudicator): Arben Kaba v Secretary of State for the Home Department <sup>(1)</sup>

*(Free movement of workers — Regulation (EEC) No 1612/68 — Social advantage — Right of the spouse of a migrant worker to obtain leave to remain indefinitely in the territory of a Member State)*

(2003/C 101/09)

*(Language of the case: English)*

In Case C-466/00: Reference to the Court under Article 234 EC by the Immigration Adjudicator (United Kingdom) for a preliminary ruling in the proceedings pending before that tribunal between Arben Kaba and Secretary of State for the Home Department, on the interpretation of the general principles of law governing proceedings before the Court of Justice and of Article 7(2) of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ, English Special Edition 1968 (II), p. 475), the Court, composed of: G.C. Rodríguez Iglesias, President, J.-P. Puissechet, M. Wathelet, R. Schintgen and C.W.A. Timmermans (Presidents of Chambers), D.A.O. Edward, P. Jann (Rapporteur), F. Macken, N. Colneric, S. von Bahr and J.N. Cunha Rodrigues, Judges; D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 6 March 2003, in which it has ruled:

*The reply which the Court, in its judgment in Case C-356/98 Kaba, gave to the questions referred in that case for a preliminary ruling would not have been different had the Court taken into consideration the fact that the situation under national law of the spouse of a migrant worker who is a national of a Member State other than the United Kingdom of Great Britain and Northern Ireland and that of the spouse of a person who is ‘present and settled’ in the United Kingdom are, according to the referring tribunal, comparable in all respects except with regard to the period of prior residence which is required for the purpose of being granted indefinite leave to remain in the United Kingdom. In view of the fact that the situations are not comparable under Community law, the question whether such a difference in treatment may be justified has no relevance in this regard.*

<sup>(1)</sup> OJ C 61 of 24.2.2001.