

Article 85a of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission, as amended by Council Regulation (ECSC, EEC, Euratom) No 2799/85 of 27 September 1985, is not to be interpreted as conferring on the Communities the right to obtain from a third party liable for the death of an official reimbursement in full of the survivor's pension paid to the surviving spouse pursuant to Articles 79 and 79(a) of those Staff Regulations, where the law applicable to entitlement to compensation for damage provides that the right to a survivor's pension is unconnected with the obligation of the perpetrator of a wrongful act to compensate in full for the damage and the damage suffered by the surviving spouse as a result of the loss of the deceased wife's income is less than the amount of the survivor's pension paid to him.

(¹) OJ C 7 of 11.1.2003.

JUDGMENT OF THE COURT

(First Chamber)

of 9 September 2004

in Case C-417/02: Commission of the European Communities v Hellenic Republic (¹)

(Failure of a Member State to fulfil obligations — Directive 85/384/EEC — Recognition of architects' diplomas — Registration procedure with the Greek Technical Board (Technico Epimelitirio Elladas) — Obligation to provide a document stating that the evidence of formal qualifications concerned is covered by the system of mutual recognition)

(2004/C 262/13)

(Language of the case: Greek)

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

In Case C-417/02: action under Article 226 EC for failure to fulfil obligations, brought on 19 November 2002, Commission of the European Communities (Agent: M. Patakia) v Hellenic Republic (Agent: E. Skandalou) — the Court (First Chamber), composed of: P. Jann, President of the Chamber, A. Rosas, S. von Bahr, K. Lenaerts and K. Schiemann (Rapporteur), Judges; J. Kokott, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 9 September 2004, in which it:

1. Declares that, by adopting and retaining in force the provisions of Article 3(1)(c) of Presidential Decree No 107/1993 of 22 March

1993, and by accepting that the Technico Epimelitirio Elladas (Greek Technical Board), with which a person must be registered in order to pursue the profession of architect in Greece, carries out, with significant delays, the processing of the files and the registration of Community nationals holding foreign diplomas which ought to be recognised under Council Directive 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services, the Hellenic Republic has failed to fulfil its obligations under that directive;

2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 19 of 25.1.2003.

JUDGMENT OF THE COURT

(Grand Chamber)

of 7 September 2004

in Case C-456/02 (reference for a preliminary ruling from the Tribunal du travail de Bruxelles): Michel Trojani v Centre public d'aide sociale de Bruxelles (CPAS) (¹)

(Freedom of movement of persons — Citizenship of the European Union — Right of residence — Directive 90/364/EEC — Limitations and conditions — Person working in a hostel in return for benefits in kind — Entitlement to social assistance benefits)

(2004/C 262/14)

(Language of the case: French)

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

In Case C-456/02: reference for a preliminary ruling under Article 234 EC from the Tribunal du travail de Bruxelles (Belgium), made by decision of 21 November 2002, received on 18 December 2002, in the proceedings between Michel Trojani and Centre public d'aide sociale de Bruxelles (CPAS) — the Court (Grand Chamber), composed of: V. Skouris, President, P. Jann, C.W.A. Timmermans, C. Gulmann, J.-P. Puissechot and J.N. Cunha Rodrigues (Rapporteur), Presidents of Chambers, R. Schintgen, F. Macken, N. Colneric, S. von Bahr and K. Lenaerts, Judges; L.A. Geelhoed, Advocate General; M. Múgica Arzamendi, Principal Administrator, for the Registrar, has given a judgment on 7 September 2004, in which it has ruled: