

3. Refers the case back to the Court of First Instance of the European Communities for it to rule on the pleas in law of Athinaiki Techniki AE, seeking annulment of the decision of the Commission of the European Communities of 2 June 2004 to take no further action concerning State aid allegedly granted by the Hellenic Republic to the Hyatt Regency consortium in the disposal of 49 % of the capital of the Casino Mont Parnès.

4. Orders that the costs be reserved.

(¹) OJ C 42, 24.2.2007.

Judgment of the Court (First Chamber) of 10 July 2008
(reference for a preliminary ruling from the Tribunal Dâmbovița — Romania) — Ministerul Administrației și Internelor — Direcția Generală de Pașapoarte București v Gheorghe Jipa

(Case C-33/07) (¹)

(Citizenship of the Union — Article 18 EC — Directive 2004/38/EC — Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States)

(2008/C 223/16)

Language of the case: Romanian

Referring court

Tribunal Dâmbovița

Parties to the main proceedings

Applicant: Ministerul Administrației și Internelor — Direcția Generală de Pașapoarte București

Defendant: Gheorghe Jipa

Re:

Reference for a preliminary ruling — Tribunal Dâmbovița — Interpretation of Article 18 EC and Article 27 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77)

Operative part of the judgment

Article 18 EC and Article 27 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the

right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC do not preclude national legislation that allows the right of a national of a Member State to travel to another Member State to be restricted, in particular on the ground that he has previously been repatriated from the latter Member State on account of his 'illegal residence' there, provided that the personal conduct of that national constitutes a genuine, present and sufficiently serious threat to one of the fundamental interests of society and that the restrictive measure envisaged is appropriate to ensure the achievement of the objective it pursues and does not go beyond what is necessary to attain it. It is for the national court to establish whether that is so in the case before it.

(¹) OJ C 140, 23.6.2006.

Judgment of the Court (Second Chamber) of 10 July 2008
(reference for a preliminary ruling from the Arbeidshof te Brussel (Belgium)) — Centrum voor gelijkheid van kansen en voor racismebestrijding v Firma Feryn NV

(Case C-54/07) (¹)

(Directive 2000/43/EC — Discriminatory criteria for selecting staff — Burden of proof — Penalties)

(2008/C 223/17)

Language of the case: Dutch

Referring court

Arbeidshof te Brussel

Parties to the main proceedings

Applicant: Centrum voor gelijkheid van kansen en voor racismebestrijding

Defendant: Firma Feryn NV

Re:

Preliminary ruling — Arbeidshof te Brussel — Interpretation of Articles 2(2)(a), 8(1) and 15 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ 2000 L 180, p. 22) — Staff selection criteria that discriminate directly on grounds of racial or ethnic origin — Burden of proof — Appraisal and establishment by a national court — Whether the national court is, or is not, under an obligation to order that an end be put to the discrimination