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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (First Chamber) of 19 February 2009 (reference for a preliminary ruling from the Oberverwaltungsgericht Berlin-Brandenburg (Germany)) — Mehmet Soysal, Ibrahim Savatli v Bundesrepublik Deutschland

(Case C-228/06) ⁽¹⁾

(EEC-Turkey Association Agreement — Freedom to provide services — Visa requirement for admission to the territory of a Member State)

(2009/C 90/02)

*Language of the case: German***Referring court**

Oberverwaltungsgericht Berlin-Brandenburg

Parties to the main proceedings*Applicants:* Mehmet Soysal, Ibrahim Savatli*Defendant:* Bundesrepublik Deutschland*Joined Party:* Bundesagentur für Arbeit**Re:**

Reference for a preliminary ruling — Oberverwaltungsgericht Berlin-Brandenburg — Interpretation of Article 41(1) of the Additional Protocol of 23 November 1970 annexed to the Agreement establishing an Association between the European Economic Community and Turkey (JO 1972 L 293, p. 4) — Validity of Article 1 of Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ 2001 L 81, p. 1) — New restrictions on the freedom to provide services — Obligation imposed on a Turkish national employed as the driver of a lorry by a Turkish transport undertaking to be in possession of a visa in order to be able to enter the territory of a Member State, even though no such obligation existed on the date on which the Additional Protocol entered into force

Operative part of the judgment

Article 41(1) of the Additional Protocol, which was signed on 23 November 1970 at Brussels and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972, is to be interpreted as meaning that it precludes the introduction, as from the entry into force of that protocol, of a requirement that Turkish nationals such as the appellants in the main proceedings must have a visa to enter the territory of a Member State in order to provide services there on behalf of an undertaking established in Turkey, since, on that date, such a visa was not required.

⁽¹⁾ OJ C 190, 12.8.2006.

Judgment of the Court (First Chamber) of 19 February 2009 — Koldo Gorostiaga Atxalandabaso v European Parliament

(Case C-308/07 P) ⁽¹⁾

(Appeal — Rules concerning the expenses and allowances to Members of the European Parliament — Recovery of improperly paid sums by means of offsetting — Enforcement of a judgment of the Court of First Instance — Right to an impartial tribunal — Res judicata — Principle of sound administration)

(2009/C 90/03)

*Language of the case: French***Parties**

Appellant: Koldo Gorostiaga Atxalandabaso (represented by: D. Rouget, avocat)

Other party to the proceedings: European Parliament (represented by: C. Karamarcos, H. Krück and D. Moore, then by the latter two and A. Padowska, acting as Agents)