

## **A - Proceedings of the Court of Justice**

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## 1. Synopsis of the judgments delivered by the Court of Justice in 2001

Case	Date	Parties	Subject-matter
<b>AGRICULTURE</b>			
C-247/98	11 January 2001	Hellenic Republic v Commission of the European Communities	EAGGF Clearance of accounts 1994 financial year
C-403/98	11 January 2001	Azienda Agricola Monte Arcosu Srl v Regione Autonoma della Sardegna, Organismo Comprensoriale n. 24 della Sardegna, Ente Regionale per l'Assistenza Tecnica in Agricola (ERSAT)	Agriculture Farmer practising farming as his main occupation Concept Private limited company
C-333/99	1 February 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil obligations Community system for the conservation and management of fishery resources Control of fishing and related activities Inspection of fishing vessels and monitoring of landings (Article 5(2) of Regulation (EEC) No 170/83 and Article 1(1) of Regulation (EEC) No 2241/87) Temporary prohibition of fishing activities (Article 11(2) of Regulation No 2241/87) Penal or administrative action against those responsible for infringing the Community rules on conservation and monitoring (Article 5(2) of Regulation No 170/83 and Article 1(2) of Regulation No 2241/87)
C-278/98	6 March 2001	Kingdom of the Netherlands v Commission of the European Communities	EAGGF Clearance of accounts 1994 Cereals, beef and veal
C-316/99	8 March 2001	Commission of the European Communities v Federal Republic of Germany	Failure by a Member State to fulfil its obligations Directive 96/43/EC Failure to transpose within the prescribed period
C-176/00	8 March 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Failure to transpose Directives 96/24/EC and 96/25/EC
C-41/99 P	31 May 2001	Sadam Zuccherifici, divisione della SECI - Società Esercizi Commerciali Industriali SpA, Sadam Castiglione SpA, Sadam Abuzzo SpA, Zuccherificio del Molise SpA, Società Fondiaria Industriale Romagnola SpA (SFIR) v Council of the European Union	Appeal Sugar Regulation (EC) No 2613/97 Aid to beet sugar producers Abolition Marketing year 2001/02 Action for annulment Natural or legal persons Inadmissible
C-100/99	5 July 2001	Italian Republic v Council of the European Union, Commission of the European Communities	Common agricultural policy Agrimonetary system for the euro Transitional measures for the introduction of the euro
C-189/01	12 July 2001	H. Jippes, Afdeling Groningen van de Nederlandse Vereniging tot Bescherming van Dieren, Afdeling Assen en omstreken van de Nederlandse Vereniging tot Bescherming van Dieren v Minister van Landbouw, Natuurbeheer en Visserij	Agriculture Control of foot-and-mouth disease Prohibition of vaccination Principle of proportionality Taking animal welfare into account

Case	Date	Parties	Subject-matter
C-365/99	12 July 2001	Portuguese Republic v Commission of the European Communities	Agriculture Animal health Emergency measures to combat bovine spongiform encephalopathy Mad cow disease
C-374/99	13 September 2001	Kingdom of Spain v Commission of the European Communities	EAGGF Clearance of accounts 1995 financial year Aid for consumption of olive oil Premiums for sheep and goats
C-375/99	13 September 2001	Kingdom of Spain v Commission of the European Communities	EAGGF Clearance of accounts Expenditure for 1996 and 1997 Public storage of bovine meat
C-263/98	20 September 2001	Kingdom of Belgium v Commission of the European Communities	EAGGF Clearance of accounts 1994 Cereals, beef and veal
C-442/99 P	27 September 2001	Cordis Obst und Gemüse Großhandel GmbH v Commission of the European Communities, French Republic	Appeal Common organisation of the market Bananas Imports from ACP States and third countries Request for import licences Transitional measures Regulation (EEC) No 404/93 Principle of equal treatment
C-403/99	4 October 2001	Italian Republic v Commission of the European Communities	Common agricultural policy Agrimonetary system for the euro Transitional measures for the introduction of the euro
Cases C-80/99, C-81/99 and C-82/99	9 October 2001	Ernst-Otto Flemmer, Renate Christoffel v Council of the European Union, Commission of the European Communities  Marike Leitensdorfer v Bundesanstalt für Landwirtschaft und Ernährung	Non-contractual liability Milk producers Non-marketing undertaking Exclusion from milk quota scheme Compensation Substitution Flat-rate compensation by contract Regulation (EEC) No 2187/93 Relevant jurisdiction Applicable law
C-457/99	11 October 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Directive 95/69/EC Animal nutrition Non-implementation
C-228/99	8 November 2001	Silos e Mangimi Martini SpA v Ministero delle Finanze	Agriculture Common organisation of the markets Export refunds Withdrawal Interpretation and validity of Regulations (EC) No 1521/95 and No 1576/95 Failure to state reasons
C-277/98	13 November 2001	French Republic v Commission of the European Communities	EAGGF Clearance of accounts 1994 Supplementary levy on milk Disputes between those liable to the levy and the competent national authorities Proceedings before national courts Negative corrections applied to Member States for supplementary levies not yet recovered
C-147/99	22 November 2001	Italian Republic v Commission of the European Communities	EAGGF Clearance of accounts Ineligible durum wheat Quantities missing from the stockpile Withdrawal of approval of undertakings packaging olive oil Inadequate management and checks of premiums for sheep and goats
C-146/99	27 November 2001	Italian Republic v Commission of the European Communities	EAGGF Clearance of accounts Tomatoes Minimum price for producers
C-148/00	6 December 2001	Commission of the European Communities v Italian Republic	Failure of a Member State to fulfil its obligations Failure to transpose Directive 98/51/EC
C-166/00	6 December 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Failure to transpose Directives 97/41/EC, 98/51/EC and 98/67/EC

Case	Date	Parties	Subject-matter
C-373/99	6 December 2001	Hellenic Republic v Commission of the European Communities	EAGGF Clearance of accounts 1995 financial year Fruit and vegetables Arable crops
C-269/99	6 December 2001	Carl Kühne GmbH & Co. KG, Rich. Hengstenberg GmbH & Co., Ernst Nowka GmbH & Co. KG v Jütro Konserverfabrik GmbH & Co. KG	Agricultural products and foodstuffs Geographical indications and designations of origin Simplified registration procedure Protection of the designation 'Spreewälder Gurken'
C-1/00	13 December 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil its obligations Refusal to end the ban on British beef and veal
C-93/00	13 December 2001	European Parliament v Council of the European Union	Regulation (EC) No 2772/1999 Beef labelling system Competence of the Council
C-131/00	13 December 2001	Lisa Nilsson v Länsstyrelsen i Norrbottens län	Common agricultural policy Regulation (EEC) No 3508/92 Regulation (EEC) No 3887/92 Integrated administration and control system for certain Community aid schemes Detailed rules for application Register of animals not kept up to date by farmer Penalties
C-317/99	13 December 2001	Kloosterboer Rotterdam BV v Minister van Landbouw, Natuurbeheer en Visserij	Reference for a preliminary ruling Additional duties on importation Validity of Article 3 of Regulation (EC) No 1484/95

## APPROXIMATION OF LAWS

C-370/99	11 January 2001	Commission of the European Communities v Ireland	Failure of a Member State to fulfil its obligations Directive 96/9/EC Failure to implement within the prescribed period
C-151/00	18 January 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Directive 97/66/EC Processing of personal data and protection of privacy in the telecommunications sector Non-transposition
C-219/99	14 February 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil its obligations Failure not contested Directive 95/16/EC
C-278/99	8 March 2001	Georgius van der Burg	Technical standards and regulations Non-approved transmitting equipment Advertising
C-100/00	5 April 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Undisputed failure Directive 73/23/EEC Electric water heaters Conditions not prescribed by the directive
C-306/98	3 May 2001	The Queen v Minister of Agriculture, Fisheries and Food, Secretary of State for the Environment, ex parte: Monsanto plc	Directive 91/414/EEC Plant protection products Authorisation for placing on the market Assessment of an application for authorisation Transitional period
C-28/99	3 May 2001	Jean Verdonck, Ronald Everaert, Édith de Baets	Directive 89/592/EEC National rules on insider dealing Power of Member States to adopt more stringent provisions Definition of national provisions applied generally

Case	Date	Parties	Subject-matter
C-203/99	10 May 2001	Henning Veedfald v Århus Amtskommune	Approximation of laws Directive 85/374/EEC Liability for defective products Exemption from liability Conditions
C-258/99	10 May 2001	BASF AG v Bureau voor de Industriële Eigendom (BIE)	Regulation (EC) No 1610/96 Plant protection products Supplementary protection certificate
C-169/99	13 September 2001	Hans Schwarzkopf GmbH & Co. KG v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV	Article 6(1)(d), last sentence, of Directive 76/768/EEC, as amended by Directive 93/35/EEC Prescribed labelling impossible for practical reasons Justification for putting abbreviated forms of compulsory warnings on the containers and packaging of cosmetic products Information provided in nine languages in the interests of greater flexibility in the marketing of cosmetic products
C-517/99	4 October 2001	Merz & Krell GmbH & Co.	Trade marks Approximation of laws Article 3(1)(d) of First Directive 89/104/EEC Grounds for refusal or invalidity Trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade Need for signs or indications to have become customary to designate the goods or services in respect of which registration of the mark is sought No need for the signs or indications to be directly descriptive of the properties or characteristics of the goods or services in respect of which registration of the mark is sought
C-450/00	4 October 2001	Commission of the European Communities v Grand Duchy of Luxembourg	Failure by a Member State to fulfil its obligations Failure to transpose Directive 95/46/EC
C-377/98	9 October 2001	Kingdom of the Netherlands v European Parliament, Council of the European Union	Annulment Directive 98/44/EC Legal protection of biotechnological inventions Legal basis Article 100a of the EC Treaty (now, after amendment, Article 95 EC), Article 235 of the EC Treaty (now Article 308 EC) or Articles 130 and 130f of the EC Treaty (now Articles 157 EC and 163 EC) Subsidiarity Legal certainty Obligations of Member States under international law Fundamental rights Human dignity Principle of collegiality for draft legislation of the Commission
C-112/99	25 October 2001	Toshiba Europe GmbH v Katun Germany GmbH	Comparative advertising Marketing of spare parts and consumable items References made by a supplier of non-original spare parts and consumable items to the product numbers specific to the original spare parts and consumable items Directive 84/450/EEC and Directive 97/55/EC
Cases C-414/99, C-415/99 and C-416/99	20 November 2001	Zino Davidoff SA v A & G Imports Ltd  Levi Strauss & Co., Levi Strauss (UK) Ltd v Tesco Stores Ltd, Tesco plc  Levi Strauss & Co., Levi Strauss (UK) Ltd v Costco Wholesale UK Ltd	Trade marks Directive 89/104/EEC Article 7(1) Exhaustion of the rights conferred by a trade mark Goods placed on the market outside the EEA Imported into the EEA Consent of the trade mark proprietor Whether consent required to be express or implied Law governing the contract Presumption of consent Non-applicability

Case	Date	Parties	Subject-matter
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## CITIZENSHIP OF THE UNION

C-192/99	20 February 2001	The Queen v Secretary of State for the Home Department, ex parte: Manjit Kaur	Citizenship of the Union Nationality of a Member State Declarations by the United Kingdom concerning the definition of the term national British Overseas Citizen
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## COAL AND STEEL

Cases C-280/99 P, C-281/99 P and C-282/99 P	21 June 2001	Moccia Ime SpA, Ferriera Lamifer SpA, Ferriera Acciaieria Casilina SpA v Commission of the European Communities	Appeal Aid to the steel industry Restructuring of the iron and steel sector
C-390/98	20 September 2001	H.J. Banks & Co. Ltd v The Coal Authority, Secretary of State for Trade and Industry	ECSC Treaty Licences to extract raw coal Discrimination between producers Special charges State aid Article 4(b) and (c) of the Treaty Decision No 3632/93/ECSC Code on aid to the coal industry Direct effect Respective powers of the Commission and the national courts

## COMMERCIAL POLICY

C-239/99	15 February 2001	Nachi Europe GmbH v Hauptzollamt Krefeld	Common commercial policy Anti-dumping measures Article 1(2) of Regulation (EEC) No 2849/92 Modification of the definitive anti-dumping duty on imports of ball bearings with a greatest external diameter exceeding 30 mm originating in Japan Reference for a preliminary ruling on whether that regulation is valid Failure by the plaintiff in the main proceedings to bring an action seeking annulment of the regulation
Cases C-76/98 P and C-77/98 P	3 May 2001	Ajinomoto Co., Inc. The NutraSweet Company v Council of the European Union Commission of the European Communities	Appeal Dumping Normal value Existence of a patent in the exporter's domestic market Effect on the lawfulness of the regulation imposing a definitive anti-dumping duty of an allegedly illegal element of the regulation imposing a provisional anti-dumping duty
C-110/97	22 November 2001	Kingdom of the Netherlands v Council of the European Union	Arrangements for association of overseas countries and territories Imports of rice originating in the overseas countries and territories Safeguard measures Regulation (EC) No 304/97 Action for annulment
C-301/97	22 November 2001	Kingdom of the Netherlands v Council of the European Union	Arrangements for association of overseas countries and territories Imports of rice originating in the overseas countries and territories Safeguard measures Regulation (EC) No 1036/97 Action for annulment

Case	Date	Parties	Subject-matter
C-451/98	22 November 2001	Antillean Rice Mills NV v Council of the European Union	Arrangements for association of overseas countries and territories Imports of rice originating in the overseas countries and territories Safeguard measures Regulation (EC) No 304/97 Action for annulment Inadmissibility
C-452/98	22 November 2001	Nederlandse Antillen v Council of the European Union	Arrangements for association of overseas countries and territories Imports of rice originating in the overseas countries and territories Safeguard measures Regulation (EC) No 1036/97 Action for annulment Inadmissibility

## COMMUNITY OWN RESOURCES

C-253/99	27 September 2001	Bacardi GmbH v Hauptzollamt Bremerhaven	Community Customs Code and implementing regulation Repayment of import duties Favourable tariff treatment Post-clearance production of certificate of authenticity Alteration of the tariff classification stated in the customs declaration Concept of special situation
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## COMPANY LAW

C-237/99	1 February 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Directive 93/37/EEC Public works contracts Concept of contracting authority
C-97/00	8 March 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil its obligations Failure to transpose Directive 97/52/EC
Cases C-223/99 and C-260/99	10 May 2001	Agorà Srl v Ente Autonomo Fiera Internazionale di Milano  Excelsior Snc di Pedrotti Bruna & C. v Ente Autonomo Fiera Internazionale di Milano, Ciftat Soc. coop. arl	Public service contracts Definition of contracting authorities Body governed by public law
C-439/00	21 June 2001	Commission of the European Communities v French Republic	Failure by Member State to fulfil its obligations Directive 98/4/EC Failure to transpose within the prescribed period
C-399/98	12 July 2001	Ordine degli Architetti delle Province di Milano e Lodi, Piero De Amicis, Consiglio Nazionale degli Architetti, Leopoldo Freyrie v Comune di Milano	Public works contracts Directive 93/37/EEC National legislation under which the holder of a building permit or approved development plan may execute infrastructure works directly, by way of set-off against a contribution National legislation permitting the public authorities to negotiate directly with an individual the terms of administrative measures concerning him
C-19/00	18 October 2001	SIAC Construction Ltd v County Council of the County of Mayo	Public works contracts Award to the most economically advantageous tender Award criteria

Case	Date	Parties	Subject-matter
Cases C-285/99 and C-286/99	27 November 2001	Impresa Lombardini SpA - Impresa Generale di Costruzioni v ANAS - Ente Nazionale per le Strade, Società Italiana per Condotte d'Acqua SpA  Impresa Ing. Mantovani SpA v ANAS - Ente Nazionale per le Strade, Ditta Paolo Bregoli	Directive 93/37/EEC Public works contracts Award of contracts Abnormally low tenders Detailed rules for explanation and rejection applied in a Member State Obligations of the awarding authority under Community law

## COMPETITION

C-163/99	29 March 2001	Portuguese Republic v Commission of the European Communities	Competition Exclusive rights Airport administration Landing charges Article 90(3) of the EC Treaty (now Article 86(3) EC)
C-449/98 P	17 May 2001	International Express Carriers Conference (IECC) v Commission of the European Communities	Appeal Decision rejecting complaint Competition Postal services Remail
C-450/98	17 May 2001	International Express Carriers Conference (IECC) v Commission of the European Communities	Appeal Decisions rejecting complaints Abuse of a dominant position Postal services Remail
C-340/99	17 May 2001	TNT Traco SpA v Poste Italiane SpA, formerly Ente Poste Italiane, and Others	Articles 86 and 90 of the EC Treaty (now Articles 82 EC and 86 EC) Postal services National legislation making the supply of express mail services by undertakings other than the one responsible for operating the universal service subject to payment of the postal dues normally applicable to the universal service Allocation of the proceeds of those dues to the undertaking with the exclusive right to operate the universal service
Cases C-302/99 P and C-308/99 P	12 July 2001	Commission of the European Communities, French Republic v Télévision française 1 SA (TF1)	Appeal Inoperative plea Challenge to the grounds of a judgment that has no effect on the operative part of the judgment Liability for costs
C-453/99	20 September 2001	Courage Ltd v Bernard Crehan  Bernard Crehan v Courage Ltd and Others	Article 85 of the EC Treaty (now Article 81 EC) Beer tie Leasing of public houses Restrictive agreement Right to damages of a party to the contract
Cases C-396/99 and C-397/99	16 October 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Directives 90/388/EEC and 96/2/EC Market for telecommunications services Mobile and personal communications
C-429/99	16 October 2001	Commission of the European Communities v Portuguese Republic	Telecommunications Directives 90/388/EEC and 96/19/EC Voice telephony Call-back services Portugal Telecom
C-475/99	25 October 2001	Firma Ambulanz Glöckner v Landkreis Südwestpfalz	Articles 85, 86 and 90 of the EC Treaty (now Articles 81 EC, 82 EC and 86 EC) Transport of sick or injured persons by ambulance Special or exclusive rights Restriction of competition Public interest task Justification Effect on trade between Member States



Case	Date	Parties	Subject-matter
C-221/99	29 November 2001	Giuseppe Conte v Stefania Rossi	Architects' fees Summary procedure for the recovery of debts Opinion of the professional association Articles 5 and 85 of the EC Treaty (now Articles 10 EC and 81 EC)
C-146/00	6 December 2001	Commission of the European Communities v French Republic	Telecommunications Financing of a universal service Contribution from new market entrants

## ECSC

C-276/99	25 October 2001	Federal Republic of Germany v Commission of the European Communities	ECSC State aid granted to iron and steel undertakings Application for the recovery of aid contrary to Community law Obligations of the Member States Failure to fulfil obligations Procedure initiated when the failure has exhausted its effects
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## ENVIRONMENT AND CONSUMERS

C-266/00	8 March 2001	Commission of the European Communities v Grand Duchy of Luxembourg	Failure by a Member State to fulfil its obligations Directive 91/676/EEC
C-266/99	8 March 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil its obligations Quality of surface water intended for the abstraction of drinking water Directive 75/440/EEC Conditions of drinking water abstraction in Brittany
C-147/00	15 March 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil its obligations Quality of bathing water Inadequate implementation of Directive 76/160/EEC
C-144/99	10 May 2001	Commission of the European Communities v Kingdom of the Netherlands	Failure by a Member State to fulfil its obligations Directive 93/13/EEC Unfair terms in consumer contracts Incomplete transposition of the directive into national law
C-152/98	10 May 2001	Commission of the European Communities v Kingdom of the Netherlands	Failure of a Member State to fulfil its obligations Directive 76/464/EEC Water pollution Failure to transpose
C-159/99	17 May 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Directive 79/409/EEC Conservation of wild birds Admissibility
C-230/00	14 June 2001	Commission of the European Communities v Kingdom of Belgium	Failure by a Member State to fulfil its obligations Failure to implement Directives 75/442/EEC, 76/464/EEC, 80/68/EEC, 84/360/EEC and 85/337/EEC Pollution and nuisance Waste Dangerous substances Pollution of the aquatic environment Air pollution
C-368/00	14 June 2001	Commission of the European Communities v Kingdom of Sweden	Failure by a Member State to fulfil its obligations Quality of bathing water Inadequate implementation of Directive 76/160/EEC

Case	Date	Parties	Subject-matter
C-67/99	11 September 2001	Commission of the European Communities v Ireland	Failure by a Member State to fulfil its obligations Directive 92/43/EEC Conservation of natural habitats Conservation of wild fauna and flora Article 4(1) List of sites Site information
C-71/99	11 September 2001	Commission of the European Communities v Federal Republic of Germany	Failure by a Member State to fulfil its obligations Directive 92/43/EEC Conservation of natural habitats Conservation of wild fauna and flora Article 4(1) List of sites Site information
C-220/99	11 September 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Directive 92/43/EEC Conservation of natural habitats Conservation of wild fauna and flora Article 4(1) List of sites Site information
C-417/99	13 September 2001	Commission of the European Communities v Kingdom of Spain	Failure by a Member State to fulfil its obligations Directive 96/62/EC Ambient air quality assessment and management Failure to designate the competent authorities and bodies responsible for implementing the directive
C-354/99	18 October 2001	Commission of the European Communities v Ireland	Failure to fulfil obligations Directive 86/609/EEC Incomplete implementation
C-510/99	23 October 2001	Xavier Tridon v Fédération Rhône-Alpes de protection de la nature (Frapna), section Isère	Wild fauna and flora Endangered species Application in the Community of the Washington Convention
C-127/99	8 November 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Inadequate implementation of Directive 91/676/EEC Protection of waters against pollution caused by nitrates from agricultural sources
C-427/00	13 November 2001	Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland	Failure by a Member State to fulfil its obligations Quality of bathing water Inadequate compliance with Directive 76/160/EEC
Cases C-541/99 and C-542/99	22 November 2001	Cape Snc v Idealservice Srl Idealservice MN RE Sas v OMAI Srl	Article 2(b) of Directive 93/13/EEC Meaning of consumer Undertaking concluding a standard contract with another undertaking to acquire merchandise or services solely for the benefit of its employees
C-376/00	11 December 2001	Commission of the European Communities v Italian Republic	Failure of a Member State to fulfil obligations Directives 75/439/EEC and 75/442/EEC National reports on implementation Failure to forward to the Commission
C-324/99	13 December 2001	DaimlerChrysler AG v Land Baden-Württemberg	Environment Waste Regulation (EEC) No 259/93 on shipments of waste Conditions justifying prohibitions or restrictions on the export of waste National legislation imposing the obligation to offer waste to an approved body
C-481/99	13 December 2001	Georg Heininger and Helga Heininger v Bayerische Hypo- und Vereinsbank AG	Consumer protection Doorstep selling Right of cancellation Agreement to grant credit secured by charge on immovable property

Case	Date	Parties	Subject-matter
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## EXTERNAL RELATIONS

C-36/98	30 January 2001	Kingdom of Spain v Council of the European Union	Legal basis Environment Council decision approving the Convention on cooperation for the protection and sustainable use of the river Danube Article 130s(1) and (2) of the EC Treaty (now, after amendment, Article 175(1) and (2) EC) Concept of management of water resources
C-33/99	20 March 2001	Hassan Fahmi, M. Esmoris Cerdeiro-Pinedo Amado v Bestuur van de Sociale Verzekeringsbank	Article 41 of the EEC-Morocco Cooperation Agreement Article 3 of Regulation (EEC) No 1408/71 Social security Article 7 of Regulation (EEC) No 1612/68 Articles 48 and 52 of the EC Treaty (now, after amendment, Articles 39 EC and 43 EC) Freedom of movement for persons Non-discrimination Recipients of an invalidity pension no longer residing in the competent Member State Amendment of the legislation on study finance
C-89/99	13 September 2001	Schieving-Nijstad vof and Others v Robert Groeneveld	Agreement establishing the World Trade Organisation Article 50(6) of the TRIPs Agreement Interpretation Direct effect Application to proceedings pending at the time of entry into force in the State concerned Conditions regarding the time-limit for bringing substantive proceedings Calculation of that time-limit
C-63/99	27 September 2001	The Queen v Secretary of State for the Home Department, ex parte: Wieslaw Gloszczuk and Elzbieta Gloszczuk	External relations Association Agreement between the Communities and Poland Freedom of establishment Leave to enter obtained fraudulently
C-235/99	27 September 2001	The Queen v Secretary of State for the Home Department, ex parte: Eleanora Ivanova Kondova	External relations Association Agreement between the Communities and Bulgaria Freedom of establishment Leave to enter fraudulently obtained Obligation on a Member State to pay compensation for damage caused to an individual invoking a right of establishment which is directly effective under the Association Agreement
C-257/99	27 September 2001	The Queen v Secretary of State for the Home Department, ex parte: Julius Barkoci and Marcel Malik	External relations Association Agreement between the Communities and the Czech Republic Freedom of establishment Czech nationals wishing to establish themselves in a Member State as self-employed workers
C-268/99	20 November 2001	Aldona Malgorzata Jany and Others v Staatssecretaris van Justitie	External relations Association agreements between the Communities and Poland and between the Communities and the Czech Republic Freedom of establishment Economic activities Whether or not they include the activity of prostitution

## FISHERIES POLICY

Case	Date	Parties	Subject-matter
C-120/99	25 October 2001	Italian Republic v Council of the European Union	Comm on agricultural policy Fisheries Bluefin tuna Regulation (EC) No 49/1999 Statement of reasons Total allowable catches (TACs) Allocation of TACs among Member States Principle of relative stability Determination of basic data Complex economic situation Discretion International Convention for the Conservation of Atlantic Tunas Accession of the Community Impact on the allocation of TACs to Member States Principle of non-discrimination

## FREE MOVEMENT OF CAPITAL

C-464/98	11 January 2001	Westdeutsche Landesbank Girozentrale v Friedrich Stefan	National rules prohibiting the registration of mortgages in foreign currencies Breach of that prohibition before Community law entered into force in Austria Interpretation of Article 73b of the EC Treaty (now Article 56 EC) Whether Community law can operate to remedy the registration
C-178/99	14 June 2001	Doris Salzmann	Reference for a preliminary ruling Registration of real property transactions in the land register Administrative not judicial proceeding Lack of jurisdiction of the Court

## FREE MOVEMENT OF GOODS

C-1/99	11 January 2001	Kofisa Italia Srl v Ministro delle Finanze, Servizio della Riscossione dei Tributi - Concessione Provincia di Genova - San Paolo Riscossioni Genova SpA	Reference for a preliminary ruling Jurisdiction of the Court National legislation adopting Community provisions Community Customs Code Appeal Mandatory nature of the two stages of the appeal Suspension of implementation of a decision of the customs authorities
C-226/99	11 January 2001	Siplex Srl v Ministro delle Finanze, Servizio della Riscossione dei Tributi - Concessione Provincia di Genova - San Paolo Riscossioni Genova SpA	Common Customs Code Appeals Suspension of implementation of a decision of the customs authorities
C-66/99	1 February 2001	D. Wandel GmbH v Hauptzollamt Bremen	Community Customs Code and implementing regulation Incurrence of a customs debt on importation Relevant time Concept of removal from customs supervision of goods liable to import duty Production of certificates of origin Effect
C-230/99	15 February 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil its obligations Infringement of Article 30 of the EC Treaty (now, after amendment, Article 28 EC) National legislation concerning rubber materials and rubber articles entering in to contact with foodstuffs, food products and beverages Mutual recognition No proper letter of formal notice Action inadmissible

Case	Date	Parties	Subject-matter
C-187/99	22 February 2001	Fazenda Pública v Fábrica de Queijo Eru Portuguesa L <sup>da</sup>	Inward processing relief arrangements Regulation (EEC) No 1999/85 Rate of yield of the processing operation Authorisation issued by the competent customs authority Power of that authority unilaterally to alter the rate of yield
C-405/98	8 March 2001	Konsumentombudsmannen (KO) v Gourmet International Products AB (GIP)	Free movement of goods Articles 30 and 36 of the EC Treaty (now, after amendment, Articles 28 EC and 30 EC) Freedom to provide services Articles 56 and 59 of the EC Treaty (now, after amendment, Articles 46 EC and 49 EC) Swedish legislation on the advertising of alcoholic beverages Selling arrangements Measure having an effect equivalent to a quantitative restriction Justification in the interest of the protection of health
C-201/99	5 April 2001	Deutsche Nishimen GmbH v Hauptzollamt Düsseldorf	Common Customs Tariff Tariff headings Classification in the Combined Nomenclature Satellite television receivers
C-123/00	5 April 2001	Christina Bellamy v English Shop Wholesale SA	Free movement of goods Measures having an effect equivalent to a quantitative restriction Marketing of bread Advertising of foodstuffs
C-190/00	3 May 2001	Édouard Balguerie and Others, Société Balguerie and Others	Regulation (EEC) No 4142/87 Conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use Regulations (EEC) No 1517/91, No 1431/92 and No 1421/93 Suspension of autonomous Common Customs Tariff duties Dates
C-288/99	10 May 2001	VauDe Sport GmbH & Co. KG v Oberfinanzdirektion Koblenz	Common customs tariff Tariff headings Classification in the Combined Nomenclature Child carrier
C-463/98	10 May 2001	Cabletron Systems Ltd v The Revenue Commissioners	Common customs tariff Tariff headings Tariff classification of equipment used in local area networks Classification in the Combined Nomenclature Validity of Regulations (EC) No 1638/94 and No 1165/95
C-119/99	17 May 2001	Hewlett Packard BV v Directeur général des douanes et droits indirects	Common Customs Tariff Combined nomenclature Classification of a multi-function machine combining the functions of printer, photocopier, facsimile machine and computer scanner Principal function Validity of Regulation (EC) No 2184/97
C-479/99	7 June 2001	CBA Computer Handels- und Beteiligungs GmbH, formerly VOBIS Microcomputer AG v Hauptzollamt Aachen	Common Customs Tariff Tariff headings Tariff classification of computer sound cards Classification in the Combined Nomenclature Validity of Regulations (EC) No 1153/97 and No 2086/97
C-84/00	14 June 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Article 30 of the EC Treaty (now, after amendment, Article 28 EC) Free movement of articles of precious metal Rules on acceptable standards of fineness
C-30/99	21 June 2001	Commission of the European Communities v Ireland	Free movement of goods Precious metals Compulsory hallmark

Case	Date	Parties	Subject-matter
C-398/98	25 October 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Article 30 of the EC Treaty (now, after amendment, Article 28 EC) Obligation to maintain minimum stocks of petroleum products

## FREEDOM OF ESTABLISHMENT

C-493/99	25 October 2001	Commission of the European Communities v Federal Republic of Germany	Failure by a Member State to fulfil its obligations Articles 52 and 59 of the EC Treaty (now, after amendment, Articles 43 EC and 49 EC) National legislation on the contracting out of labour in the construction industry Exclusion of undertakings not party to a collective agreement for that industry and not having an establishment in the Member State in which services are to be provided Proportionality
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## FREEDOM OF MOVEMENT FOR PERSONS

C-162/99	18 January 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Freedom of movement for workers Freedom of establishment Dentists Residence conditions
C-108/96	1 February 2001	Dennis Mac Quen, Derek Pouton, Carla Godts, Youssef Antoun v Grandvision Belgium SA	Interpretation of Article 5 of the EC Treaty (now Article 10 EC) and of Articles 30, 52 and 59 of the EC Treaty (now, after amendment, Articles 28 EC, 43 EC and 49 EC) National legislation prohibiting opticians from carrying out certain optical examinations National legislation restricting the marketing of equipment for carrying out certain optical examinations which are reserved exclusively for ophthalmologists
Cases C-52/99 and C-53/99	22 February 2001	Office national des pensions (ONP) v Gioconda Camarotto, Giuseppina Vignone	Council Regulation (EEC) No 1408/71, as amended by Regulation (EEC) No 1248/92 Social security Insurance relating to old age and death Calculation of benefits Changes to the rules governing calculation of benefits
C-215/99	8 March 2001	Friedrich Jauch v Pensionsversicherungsanstalt der Arbeiter	Social security for migrant workers Austrian scheme of insurance against the risk of reliance on care Classification of benefits and lawfulness of the residence condition from the point of view of Regulation (EEC) No 1408/71
Cases C-397/98 and C-410/98	8 March 2001	Metallgesellschaft Ltd and Others, Hoechst AG, Hoechst (UK) Ltd v Commissioners of Inland Revenue, HM Attorney General	Freedom of establishment Free movement of capital Advance payment of corporation tax on profits distributed by a subsidiary to its parent company Parent company having its seat in another Member State Breach of Community law Action for restitution or action for damages Interest

Case	Date	Parties	Subject-matter
C-68/99	8 March 2001	Commission of the European Communities v Federal Republic of Germany	Failure to fulfil obligations Freedom of establishment Freedom to provide services Social security Regulation (EEC) No 1408/71 Funding of the social insurance scheme for self-employed artists and journalists Contribution collected from undertakings which market the work of artists and journalists, calculated on the basis of the remuneration paid to the authors Account taken of remuneration paid to artists and journalists subject to the social security legislation of another Member State
C-444/98	15 March 2001	R. J. de Laat v Bestuur van het Landelijk instituut sociale verzekeringen	Social security for migrant workers Regulation (EEC) No 1408/71 Frontier worker Partially unemployed Meaning
C-85/99	15 March 2001	Vincent Offermanns and Esther Offermanns	Regulation (EEC) No 1408/71 Definition of family benefits National legislation providing for payment of advances on maintenance payments due by a worker to his minor child Condition concerning the child's nationality
C-347/98	3 May 2001	Commission of the European Communities v Kingdom of Belgium	Failure by a Member State to fulfil its obligations Social security Regulation (EEC) No 1408/71 Article 13(2)(f) Legislation of a Member State providing for social security contributions to be levied on occupational disease benefits payable to persons who do not reside in that State and are no longer subject to its social security scheme
C-285/00	10 May 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Failure to transpose Directive 89/48/EEC within the prescribed period Recognition of diplomas giving access to the profession of psychologist
C-389/99	10 May 2001	Sulo Rundgren	Social security Insurance contributions payable by pensioners who settled in a Member State before the entry into force in that State of Regulations (EEC) No 1408/71 and No 1612/68 Right of the State of residence to charge contributions on old-age and invalidity benefits paid by another Member State Effect of an agreement by virtue of which the Nordic countries reciprocally waive all reimbursement of sickness and maternity benefits
C-263/99	29 May 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Freedom of establishment Freedom to provide services Activity of transport consultant
C-43/99	31 May 2001	Ghislain Leclere, Alina Deaconescu v Caisse nationale des prestations familiales	Regulations (EEC) No 1408/71 and No 1612/68 Luxembourg maternity, childbirth and child-raising allowances Residence condition Rights of a person receiving a pension but not resident in the Member State responsible for the pension Family allowances and family benefits Concept of worker and social advantage

Case	Date	Parties	Subject-matter
C-212/99	26 June 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Free movement of workers Principle of non-discrimination Former foreign-language assistants Recognition of acquired rights
C-118/00	28 June 2001	Gervais Larys v Institut national d'assurances sociales pour travailleurs indépendants (Inasti)	Regulations (EEC) No 1408/71 and No 1248/92 Retirement pensions Anti-overlapping rules Unenforceability pursuant to a judgment of the Court of Justice Limitation of effects Serious breach of Community law
C-368/98	12 July 2001	Abdon Vanbraekel and Others v Alliance nationale des mutualités chrétiennes (ANMC)	Social security Sickness insurance Articles 22 and 36 of Regulation (EEC) No 1408/71 Freedom to provide services Article 59 of the EC Treaty (now, after amendment, Article 49 EC) Hospital treatment costs incurred in another Member State Refusal of authorisation subsequently declared unfounded

## FREEDOM TO PROVIDE SERVICES

C-448/99	18 January 2001	Commission of the European Communities v Grand Duchy of Luxembourg	Failure by a Member State to fulfil obligations Directive 97/13/EC
C-165/98	15 March 2001	André Mazzoleni v Inter Surveillance Assistance SARL	Freedom to provide services Temporary deployment of workers for performance of a contract Directive 96/71/EC Guaranteed minimum wage
C-283/99	31 May 2001	Commission of the European Communities v Italian Republic	Failure of a Member State to fulfil obligations Free movement of workers Freedom of establishment Freedom to provide services Private security activities Private security firms and private sworn security guards Nationality condition
C-191/99	14 June 2001	Kvaerner plc v Staatssecretaris van Financiën	Non-life insurance Directive 88/357/EEC Definition of establishment and the State where the risk is situated
C-207/00	14 June 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Failure to implement Directive 97/36/EC amending Directive 89/552/EEC Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities
C-119/00	21 June 2001	Commission of the European Communities v Grand Duchy of Luxembourg	Failure by a Member State to fulfil its obligations Failure to implement Directive 97/36/EC amending Directive 89/552/EEC Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities
C-297/00	3 July 2001	Commission of the European Communities v Grand Duchy of Luxembourg	Failure by a Member State to fulfil its obligations Directive 98/35/EC Training of seafarers Failure to implement within the prescribed period



Case	Date	Parties	Subject-matter
C-157/99	12 July 2001	B.S.M. Geraets-Smits v Stichting Ziekenfonds VGZ H.T.M. Peerbooms v Stichting CZ Groep Zorgverzekeringen	Freedom to provide services Articles 59 of the EC Treaty (now, after amendment, Article 49 EC) and 60 of the EC Treaty (now Article 50 EC) Sickness insurance System providing benefits in kind System of agreements Hospital treatment costs incurred in another Member State Prior authorisation Criteria Justification
C-254/00	11 October 2001	Commission of the European Communities v Kingdom of the Netherlands	Failure by a Member State to fulfil obligations Failure to implement Directive 95/47/EC within the prescribed period Use of standards for the transmission of television signals
Cases C-49/98, C-50/98, C-52/98, C-53/98, C-54/98, C-68/98, C-69/98, C-70/98 and C-71/98	25 October 2001	Finalarte Sociedade de Construção Ld. <sup>2</sup> v Urloabs- und Lohnausgleichskasse der Bauwirtschaft  Urloabs- und Lohnausgleichskasse der Bauwirtschaft v Amilcar Oliveira Rocha  Urloabs- und Lohnausgleichskasse der Bauwirtschaft v Tudor Stone Ltd  Urloabs- und Lohnausgleichskasse der Bauwirtschaft v Tecnamb-Tecnologia do Ambiente Ld. <sup>2</sup>  Urloabs- und Lohnausgleichskasse der Bauwirtschaft v Turiprta Construções Civil Ld. <sup>2</sup>  Urloabs- und Lohnausgleichskasse der Bauwirtschaft v Duarte dos Santos Sousa  Urloabs- und Lohnausgleichskasse der Bauwirtschaft v Santos & Kewitz Construções Ld. <sup>2</sup>  Portugaia Construções Ld. <sup>2</sup> v Urloabs- und Lohnausgleichskasse der Bauwirtschaft  Engil Sociedade de Construção Civil SA v Urloabs- und Lohnausgleichskasse der Bauwirtschaft	Freedom to provide services Temporary deployment of workers for the purposes of performing a contract Paid leave and holiday pay
C-202/99	29 November 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Directive 78/687/EEC Maintenance of a second system of training leading to entry to the profession of dentist Maintenance of the possibility of dual registration in the register of doctors and in that of dentists for doctors mentioned in Article 19 of Directive 78/686/EEC
C-17/00	29 November 2001	François De Coster v Collège des bourgmestre et échevins de Watermael-boitsfort	Reference for a preliminary ruling Definition of a national court or tribunal Freedom to provide services Municipal tax on satellite dishes Restriction on the freedom to receive television programmes by satellite

Case	Date	Parties	Subject-matter
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## INDUSTRIAL POLICY

C-460/00	25 October 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Directive 96/48/EC Interoperability of the trans-European high-speed rail system
C-372/00	13 December 2001	Commission of the European Communities v Ireland	Failure by a Member State to fulfil its obligations Directive 96/48/EC Interoperability of the trans-European high-speed rail system
C-79/00	13 December 2001	Telefónica de España SA v Administración General del Estado	Directive 97/33/EC Telecommunications Interconnection of networks Obligations imposed on network providers

## INTELLECTUAL PROPERTY

C-383/99 P	20 September 2001	Procter & Gamble Company v Office for Harmonisation in the Internal Market (Trade Marks and Designs)	Appeal Admissibility Community trade mark Regulation (EC) No 40/94 Absolute ground for refusal to register Distinctive character Marks consisting exclusively of descriptive signs or indications BABY-DRY
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## LAW GOVERNING THE INSTITUTIONS

C-40/98	16 January 2001	Commission of the European Communities v Technologie Vetroresina SpA (TVR)	Arbitration clause Non-performance of contract
C-41/98	16 January 2001	Commission of the European Communities v Technologie Vetroresina SpA (TVR)	Arbitration clause Non-performance of contract
C-315/99 P	10 July 2001	Iseri Europa Srl v Court of Auditors of the European Communities	Appeal MED programmes Special Report No 1/96 of the Court of Auditors Right to a hearing Naming of third parties Necessity and proportionality
C-172/97 OP	2 October 2001	SIVU du plan d'eau de la Vallée du Lot, otherwise known as SIVU du pays d'accueil de la Vallée du Lot v Commission of the European Communities	Arbitration clause Non-performance of a contract Proceedings to have a judgment by default set aside
C-77/99	11 October 2001	Commission of the European Communities v Oder-Plan Architektur GmbH, NCC Deutsche Bau GmbH, Esbensen Consulting Engineers	Arbitration clause Financial support for the energy sector Thermie Programme Non-performance of a contract Termination Right to repayment of an advance
C-59/99	13 November 2001	Commission of the European Communities v Manuel Pereira Roldão & Filhos Lda, Instituto Superior Técnico, King, Taudevin & Gregson (Holdings) Ltd	Arbitration clause Reimbursement of advance payments made under a contract terminated by the Commission for non-performance
C-353/99 P	6 December 2001	Council of the European Union v Heidi Hautala	Appeal Public right of access to Council documents Council Decision 93/731/EC Exceptions to access to documents Protection of the public interest concerning international relations Partial access

Case	Date	Parties	Subject-matter
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## PRINCIPLES OF COMMUNITY LAW

C-184/99	20 September 2001	Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve	Articles 6, 8 and 8a of the EC Treaty (now, after amendment, Articles 12 EC, 17 EC and 18 EC) Council Directive 93/96/EEC Right of residence for students National legislation which guarantees a minimum subsistence allowance only for nationals, persons covered by Regulation (EEC) No 1612/68 and stateless persons and refugees Foreign student who has met his own living expenses during the first years of his studies
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## PROCEDURE

C-472/99	6 December 2001	Clean Car Autoservice GmbH v Stadt Wien, Republik Österreich	Article 234 EC Costs of the parties to the main proceedings Article 104(5) of the Rules of Procedure of the Court
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## SOCIAL POLICY

C-413/98	25 January 2001	Director-Geral do Departamento para os Assuntos do Fundo Social Europeu (DAFSE) v Frota Azul-Transportes e Turismo Ld. <sup>2</sup>	European Social Fund Certification of facts and accounts Powers of certification Limits
C-172/99	25 January 2001	Oy Liikenne Ab v Pekka Liskojärvi, Pentti Juntunen	Directive 77/187/EEC Safeguarding of employees' rights in the event of transfers of undertakings Directive 92/50/EEC Public service contracts Non-maritime public transport services
C-350/99	8 February 2001	Wolfgang Lange v Georg Schünemann GmbH	Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship Length of normal daily or weekly work Rules on overtime Rules of evidence
C-62/99	29 March 2001	Betriebsrat der Bofrost* Josef H. Boquoi Deutschland West GmbH & Co. KG v Bofrost* Josef H. Boquoi Deutschland West GmbH & Co. KG	Reference for a preliminary ruling Article 11(1) and (2) of Directive 94/45/EC Information to be made available by undertakings on request Information intended to establish the existence of a controlling undertaking within a Community-scale group of undertakings
C-473/99	14 June 2001	Commission of the European Communities v Republic of Austria	Failure by a Member State to fulfil its obligations Directive 95/30/EC Protection of workers from risks related to exposure to biological agents at work Failure to implement within the prescribed period
C-173/99	26 June 2001	The Queen v Secretary of State for Trade and Industry, ex parte: Broadcasting, Entertainment, Cinematographic and Theatre Union (BECTU)	Social policy Protection of the health and safety of workers Directive 93/104/EC Entitlement to paid annual leave Condition imposed by national legislation Completion of a qualifying period of employment with the same employer

Case	Date	Parties	Subject-matter
C-381/99	26 June 2001	Susanna Brunnhofer v Bank der österreichischen Postsparkasse AG	Equal pay for men and women Conditions of application Difference in pay Definition of the same work and work of equal value Classification, under a collective agreement, in the same job category Burden of proof Objective justification for unequal pay Effectiveness of a specific employee's work
C-133/00	4 October 2001	J.R. Bowden, J.L. Chapman, J.J. Doyle v Tuffnells Parcels Express Ltd	Organisation of working time Directive 93/104/EC Article 1(3) Scope Road transport
C-438/99	4 October 2001	Maria Luisa Jiménez Melgar v Ayuntamiento de Los Barrios	Protection of pregnant women Directive 92/85/EEC Article 10 Direct effect and scope Dismissal Fixed-term contract of employment
C-109/00	4 October 2001	Tele Danmark A/S v Handels- og Kontorfunktionærernes Forbund i Danmark (HK)	Equal treatment for men and women Article 5(1) of Directive 76/207/EEC Article 10 of Directive 92/85/EEC Dismissal of a pregnant worker Fixed-term employment contract
C-379/99	9 October 2001	Pensionkasse für die Angestellten der Barmer Ersatzkasse VVaG v Hans Menauer	Equal pay for men and women Occupational pensions Pension funds entrusted with carrying out the employer's obligation as regards payment of a supplementary pension Survivor's pension
C-110/00	11 October 2001	Commission of the European Communities v Republic of Austria	Failure by a Member State to fulfil its obligations Directive 97/59/EC
C-111/00	11 October 2001	Commission of the European Communities v Republic of Austria	Failure by a Member State to fulfil its obligations Directive 97/65/EC
C-441/99	18 October 2001	Riksskatteverket v Soghra Gharehveran	Directive 80/987/EEC Approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer Scope of the exclusion relating to Sweden provided for in point G of Section I of the Annex to the Directive Designation of the State as liable to pay guaranteed wage claims Effect on Directive 80/987
C-49/00	15 November 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Incomplete transposition of Directive 89/391/EEC Safety and health of workers
C-424/99	27 November 2001	Commission of the European Communities v Republic of Austria	Failure by a Member State to fulfil obligations Directive 89/105/EEC Positive list for the purposes of Article 6 of Directive 89/105 Time-limit for examination of an application for inclusion of a medicinal product on the list Obligation to provide for a judicial remedy in the event of refusal
C-366/99	29 November 2001	Joseph Griesmar v Ministre de l'Économie, des Finances et de l'Industrie, Ministre de la Fonction Publique, de la Réforme de l'État et de la Décentralisation	Social policy Equal treatment for men and women Applicability of Article 119 of the EC Treaty (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 EC to 143 EC) or Directive 79/7/EEC French civil and military retirement pension scheme Service credit for children awarded to female civil servants Whether permissible in the light of Article 6(3) of the Agreement on Social Policy or the provisions of Directive 79/7/EEC

Case	Date	Parties	Subject-matter
C-206/00	13 December 2001	Henri Mouflin v Recteur de l'académie de Reims	Reference for a preliminary ruling Social policy Equal treatment for men and women Applicability of Article 119 of the EC Treaty (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 EC to 143 EC) or Directive 79/7/EEC French civil and military retirement pension scheme Entitlement to a retirement pension with immediate effect for women only

## SOCIAL SECURITY FOR MIGRANT WORKERS

Cases C-95/99, C-96/99, C-97/99, C-98/99 and C-180/99	11 October 2001	Mervett Khalil, Issa Chaaban, Hassan Ossili v Bundesanstalt für Arbeit Mohamad Nasser v Landeshauptstadt Stuttgart Meriem Addou v Land Nordrhein-Westfalen	Social security Article 51 of the EEC Treaty (later Article 51 of the EC Treaty and now, after amendment, Article 42 EC) Article 2(1) of Regulation (EEC) No 1408/71 Stateless persons Refugees
C-212/00	16 October 2001	Salvatore Stallone v Office national de l'emploi (ONEM)	Social security for migrant workers Regulation (EEC) No 1408/71 Unemployment benefit Condition of living together with the dependent members of the family
C-189/00	25 October 2001	Ursula Ruhr v Bundesanstalt für Arbeit	Regulation (EEC) No 1408/71 Nationals of non-Member countries Members of a worker's family Rights acquired directly and rights derived through others Unemployment benefit

## STAFF REGULATIONS OF OFFICIALS

C-389/98 P	11 January 2001	Hans Gevaert v Commission of the European Communities	Appeals Officials Request for review of classification in grade Action Expiry of time-limits New fact Equal treatment
C-459/98 P	11 January 2001	Isabel Martínez del Peral Cagigal v Commission of the European Communities	Appeal Officials Application for review of classification in grade Action Expiry of time-limits New fact Equal treatment
C-273/99 P	6 March 2001	Bernard Connolly v Commission of the European Communities	Appeal Officials Disciplinary proceedings Suspension Statement of reasons Alleged misconduct Articles 11, 12 and 17 of the Staff Regulations Equal treatment
C-274/99 P	6 March 2001	Bernard Connolly v Commission of the European Communities	Appeal Officials Disciplinary proceedings Articles 11, 12 and 17 of the Staff Regulations Freedom of expression Duty of loyalty Conduct reflecting on an official's position
Cases C-122/99 P and C-125/99 P	31 May 2001	D, Kingdom of Sweden v Council of the European Union	Appeal Official Household allowance Married official Registered partnership under Swedish law

Case	Date	Parties	Subject-matter
C-449/99 P	2 October 2001	European Investment Bank v Michel Hautem	Appeal Members of the staff of the European Investment Bank Dismissal Interpretation of the Staff Regulations of the European Investment Bank Plea alleging mistaken characterisation of the legal nature of the facts and an error in the statement of reasons Alleged infringement of the rules applicable to relations between the European Investment Bank and its staff
C-270/99 P	27 November 2001	Z v European Parliament	Appeal Officials Disciplinary proceedings Failure to comply with the time-limits laid down in Article 7 of Annex IX to the Staff Regulations of Officials of the European Communities
C-340/00 P	13 December 2001	Commission of the European Communities v Michael Cwik	Appeal Officials Article 17, second paragraph, of the Staff Regulations Freedom of expression Limits Statement of reasons
C-446/00 P	13 December 2001	Pascual Juan Cubero Vermurie v Commission of the European Communities	Appeal Officials Promotions Mobility

## STATE AID

C-99/98	15 February 2001	Republic of Austria v Commission of the European Communities	Action for annulment Plan to grant State aid in the field of power semiconductors Notification of the Commission Content of the notification and of supplementary questions put by the Commission Nature and duration of the investigation Commission's right of objection Article 93(3) of the EC Treaty (now Article 88(3) EC)
C-379/98	13 March 2001	PreussenElektra AG v Schleswag AG	Electricity Renewable sources of energy National legislation requiring electricity supply undertakings to purchase electricity at minimum prices and apportioning the resulting costs between those undertakings and upstream network operators State aid Compatibility with the free movement of goods
C-17/99	22 March 2001	French Republic v Commission of the European Communities	State aid Rescue and restructuring aid Procedure for the examination of State aid Failure to order a Member State to disclose the requisite information
C-261/99	22 March 2001	Commission of the European Communities v French Republic	Failure of a Member State to fulfil obligations State aid incompatible with the common market Recovery No absolute impossibility of implementation
C-204/97	3 May 2001	Portuguese Republic v Commission of the European Communities	State aid Aid for producers of liqueur wines and eau x-de-vie Aid granted by the French Republic in the context of an increase in internal taxation
C-378/98	3 July 2001	Commission of the European Communities v Kingdom of Belgium	Failure by a Member State to fulfil its obligations State aid Article 93(2), second subparagraph, of the EC Treaty (now Article 88(2), second subparagraph, EC) Obligation to recover aid granted under the Maribel bis and Maribel ter schemes Impossible to put into effect

Case	Date	Parties	Subject-matter
C-400/99	9 October 2001	Italian Republic v Commission of the European Communities	Action for annulment State aid Aid to a maritime transport undertaking Public service contract Existing aid or new aid Initiation of the procedure under Article 88(2) EC Obligation to suspend No need to adjudicate or inadmissibility
C-143/99	8 November 2001	Adria-Wien Pipeline GmbH, Wietersdorfer & Peggauer Zementwerke GmbH v Finanzlandesdirektion für Kärnten	Tax on energy Rebate granted only to undertakings manufacturing goods State aid
C-53/00	22 November 2001	Ferring SA v Agence centrale des organismes de sécurité sociale (ACOSS)	State aid Tax benefit granted to certain undertakings Wholesale distributors

## TAXATION

C-76/99	11 January 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Sixth VAT Directive Article 13(A)(1)(b) Closely related activities Concept
C-113/99	18 January 2001	Herta Schmid v Finanzlandesdirektion für Wien, Niederösterreich und Burgenland	Directive 69/335/EEC Indirect taxes on the raising of capital Minimum tax on capital companies
C-83/99	18 January 2001	Commission of the European Communities v Kingdom of Spain	Failure of a Member State to fulfil its obligations Article 12(3)(a) of the Sixth VAT Directive Application of a reduced rate to motorway tolls
C-150/99	18 January 2001	Svenska staten v Stockholm Lindöpark AB Stockholm Lindöpark AB v Svenska staten	Tax provisions Harmonisation of laws Turnover taxes Common system of value added tax Sixth Directive Exemptions Letting of immovable property Practice of sport or physical education
C-429/97	25 January 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations VAT Eighth Directive Refund of VAT paid in another Member State Sixth Directive Place of supply Services relating to the collection, sorting, transport and disposal of waste
C-393/98	22 February 2001	Ministério Público, António Gomes Valente v Fazenda Pública	Internal taxation Special tax on motor vehicles Second-hand vehicles
C-408/98	22 February 2001	Abbey National plc v Commissioners of Customs & Excise	VAT Articles 5(8) and 17(2)(a) and (5) of the Sixth VAT Directive Transfer of a totality of assets Deduction of input tax on services used by the transferor for the purposes of the transfer Goods and services used for the purposes of the taxable person's taxable transactions
C-240/99	8 March 2001	Försäkringsaktiebolaget Skandia (publ)	Sixth VAT Directive Exemptions Insurance and reinsurance transactions
C-415/98	8 March 2001	Lazlo Bakcsi v Finanzamt Fürstenfeldbruck	VAT Articles 2(1), 5(6) and 11.A(1)(a) of the Sixth VAT Directive Mixed-use goods Incorporation into the private or business assets of a taxable person Sale of a business asset Second-hand item purchased from a private individual

Case	Date	Parties	Subject-matter
C-276/98	8 March 2001	Commission of the European Communities v Portuguese Republic	Failure of Member State to fulfil its obligations Sixth VAT Directive Articles 12 and 28(2) Reduced rate
C-265/99	15 March 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil obligations Article 95 of the EC Treaty (now, after amendment, Article 90 EC) Tax on motor vehicles
C-108/00	15 March 2001	Syndicat des producteurs indépendants (SPI) v Ministère de l'Économie, des Finances et de l'Industrie	Tax provisions Harmonisation of laws Turnover taxes Common system of value added tax Second indent of Article 9(2)(e) of the Sixth VAT Directive Determination of relevant place for tax purposes Advertising services Inclusion of services provided through the intermediary of a third party
C-404/99	29 March 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Sixth VAT Directive Taxable amount Exclusion Service charges
C-325/99	5 April 2001	G. van de Water v Staatssecretaris van Financiën	Tax provisions Harmonisation of laws Excise duties Directive 92/12/EEC Chargeability of duty Release for consumption of products subject to excise duty Notion Mere holding of a product subject to excise duty
C-481/98	3 May 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Sixth VAT Directive Articles 12(3)(a) and 28(2)(a) Reduced rate
C-34/99	15 May 2001	Commissioners of Customs & Excise v Primback Ltd	Value added tax Sixth Directive 77/388/EEC Taxable amount Retail credit sales of goods Credit granted by a person other than the seller and at no cost to the customer Payment by finance company to the seller of less than the price of the goods
Cases C-322/99 and C-323/99	17 May 2001	Finanzamt Burgdorf v Hans-Georg Fischer Finanzamt Düsseldorf-Mettmann v Klaus Brandenstein	Sixth VAT Directive Articles 5(6) and 11A(1)(b) Allocation of business goods for private purposes Taxation if the goods or the component parts thereof gave rise to entitlement to deduct input VAT Meaning of component parts of the goods allocated
C-86/99	29 May 2001	Freemans plc v Commissioners of Customs & Excise	Sixth VAT Directive Taxable amount Discount accounted for at the time of the supply Price reduction after the supply takes place
C-345/99	14 June 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Article 17(2) and (6) of the Sixth VAT Directive Deductibility of tax on the acquisition of vehicles used to carry out taxable transactions Limitation to vehicles used exclusively for driving instruction
C-40/00	14 June 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Article 17(2) and (6) of the Sixth VAT Directive Reintroduction, after the date of entry into force of the Directive, of a total abolition of the right to deduct VAT charged on diesel used as fuel for vehicles and machines on the purchase of which no VAT is deductible
C-206/99	21 June 2001	SONAE - Tecnologia de Informação SA v Direcção-Geral dos Registos e Notariado	Raising of capital Directive 69/335/EEC Duties paid by way of fees or dues Charge for entry in the commercial register



Case	Date	Parties	Subject-matter
C-380/99	3 July 2001	Bertelsmann AG v Finanzamt Wiedenbrück	Sixth VAT Directive Article 11A(1)(a) Taxable amount Delivery costs of bonuses in kind
C-262/99	12 July 2001	Paraskevas Louloudakis v Elliniko Dimosio (Greek State)	Directive 83/182/EEC Means of transport temporarily imported Tax exemptions Normal residence in a Member State Fine for improperly importing exempt from tax Principle of proportionality Good faith
C-16/00	27 September 2001	Cibo Participations SA v Directeur régional des impôts du Nord-Pas-de-Calais	Sixth VAT Directive Economic activity Involvement of a holding company in the management of its subsidiaries Deduction of VAT charged on services purchased by a holding company in the context of the acquisition of a shareholding in a subsidiary Receipt of dividends by a holding company
C-294/99	4 October 2001	Athinaiki Zithopoia AE v Elliniko Dimosio (Greek State)	Taxation of company profits Parent companies and subsidiaries Directive 90/435/EEC Concept of withholding tax
C-326/99	4 October 2001	Stichting 'Goed Wonen' v Staatssecretaris van Financiën	Sixth VAT Directive Power of a Member State to treat certain rights in rem in immovable property as tangible property capable of supply Restriction of the exercise of that power to cases where the price of the right in rem is at least equal to the economic value of the property concerned Letting and leasing of immovable property Exemptions
C-409/98	9 October 2001	Commissioners of Customs & Excise v Mirror Group plc	Sixth VAT Directive Exemption for the leasing or letting of immovable property Meaning Undertaking to become a tenant
C-108/99	9 October 2001	Commissioners of Customs & Excise v Cantor Fitzgerald International	Sixth VAT Directive Exemption for the leasing or letting of immovable property Meaning Supply of services Third party taking over a lease for consideration
C-267/99	11 October 2001	Christiane Urbing-Adam v Administration de l'enregistrement et des domaines	Sixth VAT directive Concept of liberal profession Managing agent of buildings in co-ownership
C-78/00	25 October 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Articles 17 and 18 of the Sixth VAT Directive Issue of Government bonds to refund excess VAT Category of taxable persons whose tax position is in credit
C-338/98	8 November 2001	Commission of the European Communities v Kingdom of the Netherlands	Failure of a Member State to fulfil its obligations Articles 17(2)(a) and 18(1)(a) of the Sixth VAT Directive National legislation allowing an employer to deduct, as input tax, a certain percentage of an allowance paid to an employee for business use of a private vehicle
C-184/00	22 November 2001	Office des produits wallons ASBL v Belgian State	Sixth VAT Directive Article 11A(1)(a) Taxable amount Subsidies directly linked to the price
C-235/00	13 December 2001	Commissioners of Customs & Excise v CSC Financial Services Ltd	Sixth VAT Directive Article 13B(d)(5) Exempt transactions Transactions in securities Negotiation Provision of a call centre service

Case	Date	Parties	Subject-matter
<b>TRANSPORT</b>			
C-361/98	18 January 2001	Italian Republic v Commission of the European Communities	Council Regulation (EEC) No 2408/92 Application for annulment of Commission Decision 98/710/EC Distribution of air traffic between the airports of Milan 'Malpensa 2000'
C-297/99	18 January 2001	Skills Motor Coaches Ltd, B.J. Farmer, C.J. Burley, B. Denman	Social legislation relating to road transport Tachograph record sheets Obligation to record periods of work, breaks in work and rest periods
C-205/99	20 February 2001	Asociación Profesional de Empresas Navieras de Líneas Regulares (Analir) and Others v Administración General del Estado	Freedom to provide services Maritime cabotage Conditions for the grant and continuation of prior administrative authorisation Concurrent application of the methods of imposing public service obligations and of concluding public service contracts
C-83/00	15 March 2001	Commission of the European Communities v Kingdom of the Netherlands	Failure by a Member State to fulfil its obligations Failure to transpose Directive 97/24/EC Components and characteristics of two or three-wheel motor vehicles
C-494/99	5 April 2001	Commission of the European Communities v Hellenic Republic	Failure by a Member State to fulfil its obligations Failure to transpose Directive 94/56/EC
C-444/99	10 May 2001	Commission of the European Communities v Italian Republic	Failure by a Member State to fulfil its obligations Directive 92/106/EEC Failure to transpose within the prescribed period
C-70/99	26 June 2001	Commission of the European Communities v Portuguese Republic	Failure of a Member State to fulfil its obligations Air travel within the Community Different rates of airport tax for national and intra-Community flights Freedom to provide services Regulation (EEC) No 2408/92
C-447/99	4 July 2001	Commission of the European Communities v Italian Republic	Failure of a Member State to fulfil its obligations Article 59 of the EC Treaty (now, after amendment, Article 49 EC) Regulation (EEC) No 2408/92 Access for Community air carriers to intra-Community air routes Departure tax
C-370/00	20 September 2001	Commission of the European Communities v Ireland	Failure by a Member State to fulfil its obligations Failure to incorporate Directives 96/49/EC and 96/87/EC into national law
C-468/00	20 September 2001	Commission of the European Communities v French Republic	Failure by a Member State to fulfil its obligations Directive 96/50/EC Carriage of goods and passengers in the Community Harmonisation of the conditions for obtaining national boatmasters' certificates for inland waterways Non-implementation within the prescribed period
C-107/01	13 December 2001	Commission of the European Communities v Grand Duchy of Luxembourg	Failure by a Member State to fulfil its obligations Directive 98/76/EC Failure to transpose within the prescribed period