

**Re:**

Reference for a preliminary ruling — Oberlandesgericht Dresden — Interpretation of Article 20(1) of Directive 2003/54/EC of the European Parliament and the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC (OJ 2003 L 176, p. 37) — National legislation which excludes networks wholly situated on the premises of an undertaking (Betriebsnetze) from the principle of free access of third persons to electricity transport and distribution networks

**Operative part of the judgment**

Article 20(1) of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC must be interpreted as precluding a provision such as the first point of Paragraph 110(1) of the Law on electricity and gas supply, referred to as 'the Law on energy management' (Gesetz über die Elektrizitäts- und Gasversorgung (Energiewirtschaftsgesetz)) of 7 July 2005, which exempts certain operators of energy supply systems from the obligation to provide third parties with open access to those systems on the grounds that they are located on a geographically connected operation zone and that they predominantly serve to supply the energy needs of the undertaking itself and of connected undertakings.

<sup>(1)</sup> OJ C 326, 30.12.2006.

**Judgment of the Court (First Chamber) of 22 May 2008 (reference for a preliminary ruling from the Cour de cassation, France) — Glaxosmithkline, Laboratoires Glaxosmithkline v Jean-Pierre Rouard**

(Case C-462/06) <sup>(1)</sup>

**(Regulation (EC) No 44/2001 — Section 5 of Chapter II — Jurisdiction over individual contracts of employment — Section 2 of Chapter II — Special jurisdiction — Article 6, point 1 — More than one defendant)**

(2008/C 171/11)

Language of the case: French

**Referring court**

Cour de cassation

**Parties to the main proceedings**

Applicants: Glaxosmithkline, Laboratoires Glaxosmithkline

Defendant: Jean-Pierre Rouard

**Re:**

Reference for a preliminary ruling — Cour de Cassation (France) — Interpretation of Articles 6(1), 18(1) and 19 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Rules on jurisdiction over individual contracts of employment — Situation of a dismissed worker who had worked, in non-Member States, for two companies in a group with their seats in two different Member States

**Operative part of the judgment**

The rule of special jurisdiction provided for in Article 6, point 1, of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters cannot be applied to a dispute falling under Section 5 of Chapter II of that regulation concerning the jurisdiction rules applicable to individual contracts of employment.

<sup>(1)</sup> OJ C 326, 30.12.2006.

**Judgment of the Court (Fourth Chamber) of 22 May 2008 (reference for a preliminary ruling from the Sąd Okręgowy w Koszalinie, Republic of Poland) — Halina Nerkowska v Zakład Ubezpieczeń Społecznych Oddział w Koszalinie**

(Case C-499/06) <sup>(1)</sup>

**(Disability pension granted to civilian victims of war or repression — Condition requiring residence in national territory — Article 18(1) EC)**

(2008/C 171/12)

Language of the case: Polish

**Referring court**

Sąd Okręgowy w Koszalinie

**Parties to the main proceedings**

Applicant: Halina Nerkowska

Defendant: Zakład Ubezpieczeń Społecznych Oddział w Koszalinie

**Re:**

Reference for a preliminary ruling — Sąd Okręgowy w Koszalinie — Interpretation of Article 18 EC — Compatibility of a national provision under which payment of a benefit granted to victims of war and of its consequences is subject to a requirement of residence in national territory

**Operative part of the judgment**

Article 18(1) EC is to be interpreted as precluding legislation of a Member State under which it refuses, generally and in all circumstances, to pay to its nationals a benefit granted to civilian victims of war or repression solely because they are not resident in the territory of that State throughout the period of payment of the benefit, but in the territory of another Member State.

(<sup>1</sup>) OJ C 20, 27.1.2007.

**Judgment of the Court (Sixth Chamber) of 15 May 2008 — Commission of the European Communities v Italian Republic**

(Case C-503/06) (<sup>1</sup>)

*(Failure of a Member State to fulfil its obligations — Directive 79/409/EEC — Conservation of wild birds — Derogations from the system of protection of wild birds — Region of Liguria)*

(2008/C 171/13)

Language of the case: Italian

**Parties**

*Applicant:* Commission of the European Communities (represented by: D. Recchia, Agent)

*Defendant:* Italian Republic (represented by: I. Braguglia, Agent and G. Fiengo, avvocato dello Stato)

**Re:**

Failure by a Member State to fulfil its obligations — Adoption and application, by the region of Liguria, of legislation authorising derogations from the system of protection for wild birds which fails to satisfy the conditions laid down in Article 9 of Council Directive 79/409/EEC of 2 April 1979 concerning the conservation of wild birds (OJ 1979 L 103, p. 1)

**Operative part of the judgment**

1. By adopting and applying, for the region of Liguria, legislation authorising derogations from the system of protection for wild birds which fails to satisfy the conditions laid down in Article 9 of Council Directive 79/409/EEC of 2 April 1979 concerning the conservation of wild birds, the Italian Republic has failed to fulfil its obligations under that directive.

2. The Italian Republic is ordered to bear the costs, including those linked to the interlocutory proceedings.

(<sup>1</sup>) OJ C 82, 14.4.2007.

**Judgment of the Court (Third Chamber) of 22 May 2008 (reference for a preliminary ruling from the Corte Suprema di Cassazione (Italy)) — Ampliscientifica Srl, Amplifin SpA v Ministero dell'Economia e delle Finanze, Agenzia delle Entrate**

(Case C-162/07) (<sup>1</sup>)

*(Sixth VAT directive — Taxable persons — Second subparagraph of Article 4(4) — Parent companies and subsidiaries — Implementation by the Member State of the single taxable person scheme — Conditions — Consequences)*

(2008/C 171/14)

Language of the case: Italian

**Referring court**

Corte Suprema di Cassazione

**Parties to the main proceedings**

*Applicant:* Ampliscientifica Srl, Amplifin SpA

*Defendant:* Ministero dell'Economia e delle Finanze, Agenzia delle Entrate

**Re:**

Reference for a Preliminary Ruling — Interpretation of the second subparagraph of Article 4(4) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — 'Persons who, while legally independent, are closely bound to one another by financial, economic and organisational links' — Concept sufficiently precise to enable the Member States to apply the VAT scheme set out? — Concept of link — National provision requiring that a link exist for a minimum period of time in order to prevent the abuse or rights

**Operative part of the judgment**

1. The second subparagraph of Article 4(4) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment is