

Action brought on 9 February 2004 by the Commission of the European Communities against the Hellenic Republic

(Case C-51/04)

(2004/C 85/29)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 9 February 2004 by the Commission of the European Communities, represented by Gregorio Valerio Jordana and Minas Konstantinidis, of its Legal Service.

The Commission claims that the Court should:

- declare that, by failing to adopt, or in any event to notify to the Commission, the laws, regulations and administrative provisions necessary to comply with Directive 2000/69/EC⁽¹⁾ of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air, the Hellenic Republic has failed to fulfil its obligations under Article 10 of that directive;
- order the Hellenic Republic to pay the costs.

Pleas in law and arguments

The period for transposition of the directive into national law expired on 13 December 2002.

⁽¹⁾ OJ L 313, 13.12.2000, p. 12.

Reference for a preliminary ruling by the Tribunale di Genova by order of that Court of 21 January 2004 in the case of Mr Marrosu and Mr Sardino against Azienda Ospedaliera Ospedale San Martino di Genova e Cliniche Universitarie Convenzionate

(Case C-53/04)

(2004/C 85/30)

Reference has been made to the Court of Justice of the European Communities by order of the Tribunale di Genova of 21 January 2004, received at the Court Registry on 10 February 2004, for a preliminary ruling in the case of Mr Marrosu and Mr Sardino against Azienda Ospedaliera Ospedale San Martino di Genova e Cliniche Universitarie Convenzionate on the following question:

Are Article 1 of Directive 1999/70/EC⁽¹⁾ and clauses 1(b) and 5 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP and put into effect by that directive to be interpreted as precluding provisions of national law (in force before the directive was implemented) which differentiate between employment contracts signed with the public authorities and contracts with employers in the private sector by excluding the former from the protection afforded by establishing an employment relationship of indefinite duration in the event of an infringement of binding rules on successive fixed-term contracts?

⁽¹⁾ OJ L 175 of 10.7.1999, p. 43.

Action brought on 10 February 2004 by the Commission of the European Communities against the Republic of Finland

(Case C-56/04)

(2004/C 85/31)

An action against the Republic of Finland was brought before the Court of Justice of the European Communities on 10 February 2004 by the Commission of the European Communities, represented by K. Banks and M. Huttunen, acting as Agents, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. Declare that the Republic of Finland has failed to fulfil its obligations under Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society⁽¹⁾, since it has not brought into force the laws, regulations and administrative provisions necessary to comply with the directive, or at least has not informed the Commission of them;
2. Order Finland to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the directive expired on 22 December 2002.

⁽¹⁾ OJ 2001 L 167, p. 10.