

— apply to him different conditions from those it applies to its own nationals with regard to the granting, method of calculation and duration of armed services pensions intended to compensate for the sequelae of accidents or illnesses arising in the course of service in its armed forces?

7. Does the fact that the person concerned was not working at the time when he made his pension claim and that the accident or illness on which this claim is based arose whilst he was formerly engaged in active military service, namely between 19 August 1949 and 16 August 1964, outside the territorial boundaries of the Member State he was serving in the capacity of a soldier, namely in Saigon, affect the replies to the preceding questions?

or, does it follow from the principle of mutual recognition of driving licenses laid down in Article 1(2) of the directive and from the requirement that Article 8(4) of the directive should be narrowly construed, that the host State must recognise the validity of the driving licence without a prior control procedure and that that host State merely has the authority to deny the right to use the driving licence in the host State if reasons (still) exist which justify the application of measures under Article 8(2) of the directive?

(¹) OJ L 237, p. 1.

Reference for a preliminary ruling from the Oberlandesgericht München by order of that court of 9 September 2005 in the criminal proceedings against Stefan Kremer

(Case C-340/05)

(2005/C 296/27)

(Language of the case: German)

Reference has been made to the Court of Justice of the European Communities by order of the Oberlandesgericht München (Germany) of 9 September 2005, received at the Court Registry on 19 September 2005, for a preliminary ruling in the criminal proceedings against Stefan Kremer.

The reference concerns the case where the driving licence of a person in a Member State (host State) has been withdrawn by the administrative authorities due to unfitness to drive or the acquisition of such a licence has been refused, the acquisition of a new driving licence in that host State is dependant on the applicant obtaining a medical/psychological certificate proving his fitness to drive in accordance with the provisions of that host State, the applicant fails to obtain this, and subsequently — before expiration of the driving ban in the host Member State — he acquires a driving licence in another Member State (issuing State).

The following questions are referred for a preliminary ruling:

Does Article 8(4) of Council Directive 91/439/EEC (¹) permit, in such a case, the host State to adopt a legal rule under which a driving licence from an issuing State may be used in the host State only on application and after examination as to whether the conditions for the measure under Article 8(2) of the directive have ceased to apply,

Action brought on 22 September 2005 by the Commission of the European Communities against Ireland

(Case C-355/05)

(2005/C 296/28)

(Language of the case: English)

An action against Ireland was brought before the Court of Justice of the European Communities on 22 September 2005 by the Commission of the European Communities, represented by Mr. Bernhard Schima and Ms. Doyin Lawumni, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. declare that by failing to adopt all of the laws, regulations or administrative provisions necessary to comply with Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (¹) or, in any event, by failing to notify such provisions to the Commission, Ireland has failed to fulfil its obligations under Article 33 of the Directive.
2. order Ireland to pay the costs.

Pleas in law and main arguments

The period within which the directive had to be transposed expired on 1 July 2004.

(¹) OJ L 176, 15.7. 2003