

Judgment of the Court (Second Chamber) of 11 September 2008 — Commission of the European Communities v Republic of Lithuania

(Case C-274/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2002/22/EC — Universal service and users' rights relating to electronic communications networks and services — Article 26(3) — Single European emergency call number — Making available caller location information)

(2008/C 285/15)

Language of the case: Lithuanian

Parties

Applicant: Commission of the European Communities (represented by: G. Braun and A. Steiblytė, acting as Agents)

Defendant: Republic of Lithuania (represented by: D. Kriauciūnas, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt within the prescribed period the provisions necessary to comply with Article 26(3) of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ 2002 L 108, p. 51)

Operative part of the judgment

The Court:

1. Declares that, by not ensuring in practice that authorities handling emergencies are, to the extent technically feasible, given caller location information for all callers to the single European emergency call number '112' when public telephone networks are used, the Republic of Lithuania has failed to fulfil its obligations under Article 26(3) of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive);
2. Orders the Republic of Lithuania to pay the costs.

⁽¹⁾ OJ C 183, 4.8.2007.

Judgment of the Court (Sixth Chamber) of 11 September 2008 — Commission of the European Communities v Italian Republic

(Case C-447/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Article 39 EC — Employment in the public administration — Masters and officers (chief officers) of vessels — Allocation of State authority on board — Requirement to hold the nationality of the flag Member State)

(2008/C 285/16)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and L. Pignataro-Nolin, acting as Agents)

Defendant: Italian Republic (represented by: I. Braguglia, Agent, and S. Fiorentino, avvocato dello Stato)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 39 EC — National legislation reserving the posts of master and chief officer on all vessels flying the flag of that Member State to its nationals

Operative part of the judgment

The Court:

1. Declares that, by maintaining in its legislation the requirement that masters and chief officers on all vessels flying the Italian flag hold Italian nationality, the Italian Republic has failed to fulfil its obligations under Article 39 EC;
2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 297, 8.12.2007.