

of the obligation to keep stock accounts for producers with reference quantities for direct sales — Additional obligations imposed by a Member State — Question not posed by the national court — No reply given by the Court

Operative part of the judgment

1. *The first sentence of Article 7(1) of Commission Regulation (EEC) No 536/93 of 9 March 1993 laying down detailed rules on the application of the additional levy on milk and milk products must be interpreted as conferring discretion on a Member State to lay down rules, in so far as is necessary, imposing on producers of milk established in its territory supplementary obligations to keep records which are more extensive than the obligations under Article 7(1)(f). In exercising that discretion, the Member State must comply with the general principles of Community law.*
2. *Community law does not preclude legislation which requires milk producers to keep records of the quantity of butter produced and the use that it has been put to, even where the butter has been destroyed or used as feeding stuff, where, in the Member State concerned, it is found to be difficult to monitor effectively, on the basis of the Community requirements alone, the accuracy of statements of direct sales drawn up by producers.*

⁽¹⁾ OJ C 31, 5.2.2005.

Judgment of the Court (Grand Chamber) of 19 September 2006 (reference for a preliminary ruling from the Cour administrative, Luxembourg) — *Graham J. Wilson v Ordre des avocats du barreau de Luxembourg*

(Case C-506/04) ⁽¹⁾

(Freedom of establishment — Directive 98/5/EC — Practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained — Conditions for registration with the competent authority in the host Member State — Prior examination of knowledge of the languages of the host Member State — Remedy before a court or tribunal in accordance with domestic law)

(2006/C 281/17)

Language of the case: French

Referring court

Cour administrative

Parties to the main proceedings

Applicant: Graham J. Wilson

Defendant: Ordre des avocats du barreau de Luxembourg

Re:

Reference for a preliminary ruling — Cour administrative (Luxembourg) — Interpretation of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ 1998 L 77, p. 36) — Obligation to provide for a remedy before a court or tribunal in accordance with the provisions of domestic law against a decision refusing entry on the Bar register as a lawyer practising under his home-country professional title — Appeal to the Conseil disciplinaire et administratif du barreau — National legislation making registration conditional on an oral examination intended to verify knowledge of the official languages of the host Member State

Operative part of the judgment

- 1) *Article 9 of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained must be interpreted as meaning that it precludes an appeal procedure in which the decision refusing registration, referred to in Article 3 of that directive, must be challenged at first instance before a body composed exclusively of lawyers practising under the professional title of the host Member State and on appeal before a body composed for the most part of such lawyers, where the appeal before the supreme court of that Member State permits judicial review of the law only and not the facts.*
- 2) *Article 3 of Directive 98/5 must be interpreted as meaning that the registration of a lawyer with the competent authority of a Member State other than the State where he obtained his qualification in order to practise there under his home-country professional title cannot be made subject to a prior examination of his proficiency in the languages of the host Member State.*

⁽¹⁾ OJ C 31, 5.2.2005.