Operative part

1. Having regard to Article 6(3) of Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), the latter must be interpreted as not conferring rights on individuals, before 1 January 2004, in the area of cabotage with the Greek islands for regular passenger and cargo services and services provided by vessels of less than 650 gross tonnes.

2. Articles 5(2) and 6(3)(a) to (c), (f) and (g) of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships must be interpreted as precluding a national rule, such as that at issue in the main proceedings, which prohibits absolutely ships having reached a specified age from carrying out domestic voyages, when the Member State in question has not taken measures to improve safety requirements in accordance with the procedure laid down by Article 7(4) of that directive.

Order of the Court (Third Chamber) of 28 September 2006 — Criminal proceedings against Stefan Kremer

(Case C-340/05)

First subparagraph of Article 104(3) of the Rules of Procedure — Directive 91/439/EEC — Mutual recognition of driving licences — Withdrawal of licence in one Member State — Licence issued in another Member State — Refusal to recognise the right to drive in the first Member State — Requirement of compliance with national conditions for obtaining a new licence following a withdrawal

Freedom of movement for persons — Freedom of establishment — Driving licences — Directive 91/439 (Council Directive 91/439, Arts 1(2) and 8(2) and (4) (see para. 38 and operative part)

Re:

Reference for a preliminary ruling — Oberlandsgericht München — Interpretation of Articles 1(2) and 8(2) and (4) of Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ 1991 L 237, p. 1) — Refusal to recognise the validity of a driving licence issued by another Member State, raised against a holder whose national licence was withdrawn without a prohibition period due to repeated offences under the highway code — Obligation to provide beforehand a medical-psychological opinion attesting to aptitude to drive.

Operative part

The combined provisions of Articles 1(2) and 8(2) and (4) of Council Directive 91/439/EEC of 29 July 1991 on driving licences, as amended by Council Directive 97/26/EC of 2 June 1997, preclude a Member State from refusing to recognise, on its territory, the right to drive resulting from a driving licence issued in another Member State and, accordingly, the validity of that licence so long as the holder of that licence, whose previous licence in the territory of the first Member State was withdrawn without a measure prohibiting the holder from obtaining a new licence for a given period, has not complied with the conditions required under the laws of that first Member State for the issuing of a new licence following that withdrawal, including a driving test designed to establish that the reasons for that withdrawal have ceased.