

EXCERPT OF MINUTES OF REGISTRY OF COURT OF GREAT BODY
OF BONNEVILLE HIGH COURT OF PROCEEDINGS
OF BONNEVILLE

No. Parquet: •
06001631

No judgement:
590/2006

DELIBERATELY OF Thursday, August 31, 2006

At the hearing on Thursday, June 15 2 006 at 16h.00 held in a
correctional Madam BEYLARD OZEROFF, President and Madame NEVE
ISOLA, judges, assisted by Miss PEYRARD, Registrar and in the
presence of Madame WAUQUIER, Vice Prosecutor of the Republic, was
drawn between the case:

- 1 ° THE PUBLIC PROSECUTOR
- 2 °

CIVIL PARTY:

URSSAF of Haute Savoie, located 2 Rue Honoré de Balzac Seynod 74995
ANNECY cedex 9 taken in the person of his legal representative,
comparante civil party in the person of Ms. Jacqueline DUHALDE,
Agent, following power of representation;

CIVIL PARTY:

National Union monitors ski french whose headquarters is 6 Walk of
Mitaillères 38240 MEYLAN taken in the person of his legal
representative,
civil non comparante; Represented by Master BEVERAGE, Bar to
CHAMBERY,

CIVIL PARTY:

Union of ski instructors at Megeve ski school Megève sis Ecole du Ski
french 7412 0 MEGEVE taken in the person of its legal representative
Mr Gerard APPERTET, Chairman of the Board of Directors
civil comparante; represented by Master BEVERAGE, Bar to CHAMBERY;
A HAND

ET:

-1 --

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representative Mr Gerard APPERTET, Chairman of the Board of Directors
Civil comparante; represented by Master BEVERAGE, Bar to CHAMBERY;

A HAND

ET:

-1 --

Mr James BARRETT BOYCE, born March 19, 1972 to WIMBLEDON - UNITED KINGDOM, son of Albert and Janet BUTTLER, the hotel remained closed July 63 0 road MEGEVE 7412 0; British nationals already condemned; free;

not comparing; accused of:

(13124) EXPLOITATION OF AN ESTABLISHMENT OF PHYSICAL ACTIVITY OR WITHOUT SPORTS STATEMENT PRIOR;

(22532) EMPLOYMENT OF FOREIGN NATIONAL PROPERTY OR EU EEA, WHICH THE FUNCTIONS OF PROFESSOR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY AND SPORT OR NOT TO HAVE TO MEET TESTS;

(01508) EXECUTION OF A WORKING DISSIMULE;

(20958) POSTING OF TEMPORARY EMPLOYEE OF A COMPANY ESTABLISHED IN FRANCE NOT WITHOUT A STATEMENT OF WORK INSPECTOR;

(13145) PAYMENT BY EMPLOYER IN PAY LESS IN GUARANTEED MINIMUM MONTHLY;

(06678) DISCOUNT pay slip NOT CONFORM;

Mr James WILKINS, born March 4, 1965 to NORWICH-UNITED KINGDOM, son of John and Marguerite PEGG, resident Charles Street Feige Le Soleil d'Or 74,120 MEGEVE, a British citizen, never condemned; free;

not comparing; accused of:

(22483) EXERCISE AGAINST SALARY OF A FUNCTION OF PROFESSOR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY OR WITHOUT THE SPORTS QUALIFICATION REQUIREMENTS;

(0150 8) EXECUTION OF A WORKING DISSIMULE;

Mr William Roberts, born March 17, 1983 at READING --

UNITED KINGDOM, son of Terry and Elaine EASTHAM, residing 187 route Edmond de Rothschild 7412 0 MEGEVE; nationality

British j amais condemned; free;

not comparing; accused of:

(22483) EXERCISE AGAINST SALARY OF A FUNCTION OF PROFESSOR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY OR WITHOUT THE SPORTS QUALIFICATION REQUIREMENTS;

(01508) EXECUTION OF A WORKING DISSIMULE;

Mr Simon BUTLER, born December 11, 1962 in LONDON-UNITED KINGDOM,

son of Michael and June BLEWIT, residing ST Cathrines Bailes Lang Normandy GUILDFORD SURREY GU32AX ENGLAND; britannimip nationality. déjà

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comparing and assisted by Master PASCAL, Attorney at Law Society of CHAMBERY and Me SALVISBERG, Attorney at Bar ALBERTVILLE accused of:

(13124) EXPLOITATION OF AN ESTABLISHMENT OF PHYSICAL ACTIVITY OR WITHOUT SPORTS STATEMENT PRIOR;

(22532) EMPLOYMENT OF FOREIGN NATIONAL PROPERTY OR EU EEA, WHICH THE FUNCTIONS OF PROFESSIONAL SEUR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY AND SPORT OR NOT TO HAVE TO MEET TESTS;

(01508) EXECUTION OF A WORKING DISSIMULE;

(2 0958) POSTING OF TEMPORARY EMPLOYEE OF A COMPANY ESTABLISHED IN FRANCE NOT WITHOUT A STATEMENT OF WORK INSPECTOR;

(1314 5) PAYMENT BY EMPLOYER IN PAY LESS IN GUARANTEED MINIMUM MONTHLY;

(06678) DISCOUNT pay slip NOT CONFORM;

Mr Mark GIBBS, born December 14, 1951 in LONDON-UNITED KINGDOM, son of Thomas and Agnes LAVERY BARRI-E, residing rue du Beau Soleil chalet Grab Coeur 74,120 MEGEVE, a British citizen, never condemned; free;

not comparing; accused of:

(22483) EXERCISE AGAINST SALARY OF A FUNCTION OF PROFESSOR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY OR WITHOUT THE SPORTS QUALIFICATION REQUIREMENTS;

(01508) EXECUTION OF A WORKING DISSIMULE;

Mr Glen ASLIN, born February 5, 1967 to WALTON - UNITED KINGDOM, son of Rod and Peta HINDMARSH, residing 187 road Edmond de Rothschild chalet Antoine 74,120 MEGEVE, a British citizen, never condemned; free;

not comparing; accused of:

(224 83) EXERCISE AGAINST SALARY OF A FUNCTION OF PROFESSOR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY OR WITHOUT THE SPORTS QUALIFICATION REQUIREMENTS;

(01508) EXECUTION OF A WORKING DISSIMULE;

Mr Alex CASEY, born on August 23, 1972 to KANTFOLKSTONE-UNITED KINGDOM, son of Darek and Hilary ORSBORN, residing Rue Charles Feige the Soleil d'Or 74,120 MEGEVE, a British citizen, never condemned; free;

not comparing; Drévemi of "•

(22483) EXERCISE AGAINST SALARY OF A FUNCTION OF PROFESSOR, SCREEN, EDUCATOR, ENTRAINEUR OR AN ANIMATOR PHYSICAL ACTIVITY OR WITHOUT THE SPORTS QUALIFICATION REQUIREMENTS; (01508) EXECUTION OF A WORKING DISSIMULE;

ON THE OTHER HAND

At the invitation of the case, the President noted the absence of Mr James BARRETT BOYCE, alerted, and gave informed l'acte entering the Tribunal;

The President noted the absence of Mr James WILKINS, alerted, and gave informed l'acte entering the Tribunal;

The President noted the absence of Mr William Roberts, alerted, and gave knowingly entering the l'acte Tribunal;

The President established the identity of Mr Simon BUTLER and gave aware of the act entering the Tribunal; The accused did not speak enough English, the President has appointed as an interpreter in the English language, Ms. Françoise COTTET, inscribed on the list of experts at the Court of Appeal CHAMBERY, introduced at the hearing, which not challenged, nor by the Public Ministry, nor by the Defence, has lent his ministry whenever he been useful;

The President noted the absence of Mr Mark GIBBS, alerted, and gave informed l'acte entering the Tribunal;

The President noted the absence of Mr ASLIN Glen, alerted, and gave aware of the act entering the Tribunal;

The President noted the absence of Mr Alex CASEY, alerted, and gave aware of the act entering the Tribunal;

Master PASCAL, Attorney Mr. BUTLER, raised in limine litis an exception invalidity citation, the texts mentioned on the first two heads of prevention no longer exist, and a preliminary motion on the basis of Article 234, TEC;

The prosecution has been heard;

The Tribunal has joined the incident on the merits;

Discussions were then taken on the merits;

The accused was interrogated;

URSSAF was formed oartie civil 1

it was heard in its application;
The Union of ski instructors at Megeve ski school
Megève has formed part of civil l'audience;
It was heard in its application;
Master BEVERAGE, Attorney Civil Party, was heard in his
advocacy;
Master BEVERAGE, Advocate of the National Union of french ski
instructors, has declared itself a civil party and was heard in his
argument;
The prosecution was heard in its submissions.
Master PASCAL and Me SALVISBERG, lawyers BUTLER Mr Simon oral
argument; La Defense having had the last word;
The clerk took note of the progress of discussions;
Then, following discussions held in the Public Hearing
15/06/2006, the Tribunal has informed the parties present or
regularly represented that the judgement would be delivered on
31/08/2006;
To this date, the Tribunal having deliberated and acted in accordance
with
the law, the judgement was delivered by Madam BEYLARD OZEROFF,
President, assisted by Miss PEYRARD, Registrar, and
presence of the Public Ministry, under the provisions of the
Act of 3 0 December 1985;
THE TRIBUNAL
1 ° - ACTION ON THE PUBLIC
Due has been notified by Officer or Police Officer, 18/03/2006, Mr
James BARRETT BOYCE, on instructions from Mr. Prosecutor of the
Republic and within the timeframe stipulated by Article 552 of the
Code of Procedure Criminal an invitation to the hearing on June 15,
2006; That, in accordance with Article 390-1 of the Code of Criminal
Procedure, is convening this quote to anyone That quote is steady;
That is established that had knowledge;
Considering that the accused did not appear;
That should be a decision by contradictory judgement to be served
under section 410 of the Code of Criminal Procedure;
Considering he is accused of having during the winter of 2003-2004
and January 25, 2006 on MEGEVE (74) operated a facility where
practised one or more of the activities referred to in Article I of L
363-1 Code of Education, without conducting the declaration under
article L463-4 of the Code of Education;
scheduled offence and punishable by Articles L463-4, L463-7

to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) employed several people who perform the duties mentioned in Article I of the L363-1 of the Code of Education without having the requisite qualification or employee of nationals of a member state of the European Union or a State party to 1'accord on 1'Espace European Economic exercising their activity in violation of Article 63-3 of L3 code 1'Education without having met the tests which 1'autorité administrative submitted;

scheduled offence and punishable by Articles L463-4, L463-7 2nd and L 633-1 of the Code of Education;

to have during the winter of 2003-2004 and January 25, 2006, on MEGEVE (74) intentionally carried out acts of commerce, in this case engaged in catering, hotel and coaching ski , Evading the obligation to require his registration to an industrial or business or the register of companies, and not carrying the statements to be made to social welfare agencies or the hotel tax ;

scheduled offence and punishable by Articles L324-9, L324-10, 11- L324, L362-3, L362-4 and L362-5 of the Labour Code

to have during the winter of 2003-2004 and January 25 2006sur MEGEVE (74) failed to report employees seconded;

scheduled offence and punishable under articles 341-5-7 D and L 3 64- 11 LC

not have during the winter 2003-2004 and January 25, 2006 on MEGEVE (74) met the minimum wage for employees posted, Article D341-5-3 of the Labour Code stipulating that 1'obligation pay employees the minimum wage applies when the secondment period is longer than one month;

scheduled offence and punishable by Articles L141-2 and R154-1 of the Labour Code;

to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) produced payslips not including the mandatory under Article R143-2 code Labour

Offence planned and repressed by 1'article R143-2 LC

Due has been notified by Officer or Police Officer, 16/03/2 006, Mr James WILKINS, upon instructions from Mr. Prosecutor of the Republic and within the timeframe stipulated by 1'article 552 of the Code of Procedure Criminal an invitation to the hearing on June 15, 2006;

That, in accordance with Article 390-1 of the Code of Criminal Procedure, is convening this quote to anyone That quote is steady;

That is established that took

Considering that the accused did not appear;
That should be a decision by contradictory judgement to be served
under section 410 of the Code of Criminal Procedure;
Considering he is accused of having during the winter of 2003-2004
and January 25, 2006 on MEGEVE (74) remuneration exercised against
one of the functions of a teacher, instructor, educator, instructor
or facilitator of an activity physical or athletic or made use of
these securities or any other similar title without having the
requisite qualification in Article I of the L363-1 of the Code of
Education or exercised his activity in violation of 1'article L3, 63-
3 Code 1'Education without having met the tests to which the
authority has submitted
scheduled offence and punishable by Articles L363-1, L363-2, 3 and
L463-7 1 of the Code of Education;
to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE
(74) remuneration exercised against one of the functions I mentioned
in the article L363-1 of the Code of Education without conducting the
statement under Article L463-4 of the Code of 1'Education;
scheduled offence and punishable by Articles L363-1, L 463-4 and
L463-7 3rd Code of Education;
Due has been notified by Officer or Police Officer, 20/03/2006, Mr
William Roberts, on instructions from Mr. Prosecutor of the Republic
and within the timeframe stipulated by 1'article 552 of the Criminal
Procedure Code , A summons to 1'audience of 15 June 2006; That, in
accordance with Article 3 90-1 of the Criminal Procedure Code, is
convening this subpoena person
That quote is steady; That is established that he knew;
Considering that the accused did not appear;
That should be a decision by a contradictory judgement
serve under section 410 of the Code of Procedure
Pé
tion;
Considering he is accused of having during the winter of 2003-2004
and January 25, 2006 on MEGEVE (74) remuneration exercised against
one of the functions of a teacher, instructor, educator, instructor
or facilitator of an activity physical or athletic or made use of
these securities or any other similar title without having the
requisite qualification to the I 1'article L3 63-1 of the Code of
Education or exercised his activity in violation of article L363-3 of
Code of Education without having satisfied

scheduled offence and punishable by Articles L363-1, L363-2, L363-3 and L463-7 1 of the Code of Education;

to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) remuneration exercised against one of the functions mentioned in Article I of L3 63-1 of the Code of Education without conducting the declaration under article L463-4 of the Code of Education;

scheduled offence and punishable by Articles L363-1, L 463-4 and L463-7 3rd Code of Education;

Due has been notified by Officer or Police Officer, 16/03/2006, Mr Simon BUTLER, on instructions from Mr. Prosecutor of the Republic and within the timeframe stipulated by Article 552 of the Criminal Procedure Code An invitation to the hearing on June 15, 2006; That, in accordance with Article 390-1 of the Code of Criminal Procedure, is convening this subpoena;

That quote is steady; That is established that he knew;

Considering that the accused has appeared;

That should be a decision contradictory;

Considering he is accused of having during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) operated a facility where practised one or more of the activities referred to in Article I of the L363-1 Code of Education, without conducting the declaration under article L463-4 of the Code of 1'Education;

scheduled offence and punishable by Articles L463-4, 7 3rd-L463 and L363-1 of the Code of Education;

to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) employed several people who perform the duties mentioned in Article I of L3 63-1 of the Code of Education without having the qualification required or employee of nationals of a member state of the European Union or a State party to the Agreement on the European Economic Area who exercise their activity in violation of article L363-3 of the Code of Education without having met the tests to which the authority has submitted;

scheduled offence and punishable by Articles L463-4, L463-7 2nd and L 633-1 of the Code of Education;

to have during the winter of 2003-2004 and January 25, 2006, on MEGEVE (74) intentionally carried out acts of commerce, in this case engaged in catering, hotel and coaching ski , Evading the obligation to require his registration to an industrial or business or the register of companies, and not carrying the statements to be made to social welfare organizations or

scheduled offence and punishable by Articles L324-9, L324-10, L324-11, L362-3, L362-4 and L362-5 of the Labour Code
to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) failed to report employees seconded to l'espèce CASEY Alex, Mark GIBBS, WILKINS James Charles, William Roberts and Glen ASLIN;
scheduled offence and punishable under articles 341-5-7 D and L 364-11 of the Code du Travail
did not during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) met the minimum wage for employees posted, Article D341-5-3 of the Labour Code stipulating that the obligation to pay employees minimum wage applies when the secondment period is longer than one month in the case CASEY Alex, Mark GIBBS, WILKINS James Charles, William Roberts and Glen ASLIN;
scheduled offence and punishable by Articles L141-2 and R154-1 of the Labour Code;
dlavoir during l'hiver 2003-2004 and January 25 on MEGEVE 2 006 (74) produced payslips not including the mandatory under Article R143-2 of the Code of Labour, in this case CASEY Alex, Mark GIBBS, WILKINS James Charles, William Roberts and Glen ASLIN;
Offence planned and punishable under Article R143-2 LC
Due has been notified by Officer or Police Officer, 20/03/2006, Mr Mark GIBBS, on instructions from Mr. Prosecutor of the Republic and within the timeframe stipulated by Article 552 of the Criminal Procedure Code , A summons to l'audience June 15 2 0 06; That, l'article 3 90-1 of the Code of Criminal Procedure,
in accordance with
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serve under section 410 of the Code of Procedure
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scheduled offence and punishable by Articles L363-1, L363-2, L363-3 and L463-7 1 of the Code of Education;
to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) remuneration exercised against one of the functions I mentioned in the article L363-1 of the Code of Education without conducting the statement under Article L463-4 of the Code of Education;
scheduled offence and punishable by Articles L363-1, L 463-4 and L4 63-7 3e Code of Education;
Due has been notified by Officer or Police Officer, 20/03/2 006, Mr Glen ASLIN, on instructions from Mr. Prosecutor of the Republic and within the timeframe stipulated by 1'article 552 of the Code of Procedure Criminal 1'audience an invitation to the June 15, 2006;
That, in accordance with Article 390-1 of the Code of Criminal Procedure, is convening this subpoena person
That quote is steady; That is established that he knew;
Considering that the accused did not appear;
That should be a decision by a contradictory judgement
serve under section 410 of the Code of Procedure Criminal;
Considering he is accused of having during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) exercised against remuneration 1'une functions as a teacher, instructor, educator, instructor or facilitator of an activity physical or athletic or made use of these securities or any other similar title without having the requisite qualification in Article I of the L363-1 of the Code of Education or exercised his activity in violation of article L363-3 of the Code of Education without having met the tests which 1'autorit  administrative submitted 1'a
scheduled offence and punishable under articles L3 63-1, L363-2, L363-3 and L463-7 1 of the Code of Education;
to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE (74) remuneration exercised against one of the functions I mentioned in the article L363-1 of the Code of Education without conducting the statement under 1'article L463-4 of the Code of Education;
scheduled offence and punishable by Articles L363-1, L 463-4 and L463-7 3rd Code of Education;
Due has been notified by Officer or Police Officer, 20/03/2006, Mr Alex CASEY, upon instructions from Mr. Prosecutor of the Republic and within the timeframe stipulated by 1'article 552 of the Criminal Procedure Code , A summons to 1 'record of the hearing on June 15 • 2
006

in accordance with Article 390-1 of the Code of Criminal Procedure,
is convening this subpoena person
That quote is steady; That is established that he knew;
Considering that the accused did not appear;
That should be a decision by contradictory judgement to be served
under section 410 of the Code of Criminal Procedure;
Considering he is accused of having during the winter of 2003-2004
and January 25, 2006 on MEGEVE (74) remuneration exercised against
one of the functions of a teacher, instructor, educator,
coach or facilitator of a physical or sporting activity or made use
of these securities or any other similar title without having the
requisite qualification in Article I of the L363-1 of the Code of
Education or exercised his activity in violation of 1 'L3 Article 63-
3 of the Code of 1'Education without having met the tests which
1'autorité administrative submitted 1'a
scheduled offence and punishable under articles L3 63-1, L3 63-2,
L363-3 and L463-7 1 of the Code of Education;
to have during the winter of 2003-2004 and January 25, 2006 on MEGEVE
(74) remuneration exercised against one of the functions mentioned I
1'article L3 63-1 of the Code of 1'Education without conducting the
declaration under article L463-4 of the Code of Education;
scheduled offence and punishable under articles L3 63-1, L 463-4 and
L463-7 3rd Code of Education;
ON THE EXCEPTION OF VOID
Considering that Mr BUTLER argue, to support the nullification of the
summons which was issued by the repeal of the texts of the Education
Code referred;
Considering that, if it is established that Ordinance No. 2006-596 of
23mai 2006 repealed articles L363-3, L463-4 and L463-7 of code de
education, it is also undisputed that the terms of these Articles
have been reproduced in their entirety in Articles L212-1, L212-7,
L212-8, L212-11 and L212-12 code of sport; What Consequently, Mr
BUTLER does not have been in 1'impossibilité to prepare his defence,
or know the offence is alleged; That should reject 1'exception
invalidity raised;
ON THE EXCEPTION PRELIMINARY
Considering that Mr BUTLER contends that he was made an incorrect
implementation of EU directives No. 92/51/CE of 18 June 1992 and No.
2005/36/EC of 7 September 2005 and french right to be seized
accordingly the Court of Justice of the European Communities
Dréjudicielle a question on the conformity of the texts french

provisions of these guidelines and provisions
general of the Treaty establishing the European Community to date
, 23/03/1957;

Considering, however, that judges the merits are not required to
seize the ECJ and to stay proceedings when it pleaded for
l'incompatibilité a text of law with the Treaty
establishing the European Community or any other text
Community law;

What l'espèce, it can be argued a transposition
failure of the European directive on September 7 2 0 05 in
Since the expiry of the deadline laid down
this text is set for October 20 2 0 07;

What this directive also can not have at the moment
direct effect in domestic law insofar times
transposition has not yet expired;

What regards the directive on June 18, 1992 providing for the basic
principles of mutual recognition of diplomas, decrees n96-1011 of 25
November 1996 and No. 97-314 of 4 April 1997 transpose into its
domestic law provisions; What Directive stipulates, in Article 4 that
the host Member State may also require the applicant, in addition to
possession of a diploma, as defined in Article 3, to complete a
period of adaptation for three years or to take an aptitude test
including the training he received, according to article 3 paragraph
points a) or b) covers theoretical and / or practices differ
substantially from those covered by the ... diploma required in the
host Member State; Thus the provisions of the decree of November 25,
1996 provides in Article 3 that "for reasons of general interest
regarding the safety of persons and where there is a substantial
difference in level between technical competence on which the
national of a Member State of l'UE or party to l'EEE and that
required for exercising the profession of sports in France, Reeve
may, during the first statement, suspend the issuance of the receipt
to a national of a Member State of l'UE or party to l'EEE and impose
a test of ability ... " as the provisions of the Decree of April 4,
1997 provides in Article 2-1.4 that "when the training of the
individual cover subjects differ substantially from those contained
in the diploma programme required under l'article 43 the law of 16
July 1984 or when the title of which justifies l'intéressé does not
prepare a l'ensemble activities which gives access the national
diploma, the minister responsible for sports may require that
l'intéressé choose either to submit to an aptitude test or to perform
a period of adaptation ...", are a correct transposition of the
Directive sus sight;

ON THE EXERCISE OF THE ACTIVITIES OF MONITOR SKI OUGHT NOT TO BE
PROVIDED BY THE TESTS AUTHORITY

Considering that in this case, it is criticized all Drévenus not r>
as having submitted aix tests anxoiir1 a l 'antnril-.fi

Administrative they had been asked to submit prior to the exercise of a teaching, coaching or an animation against remuneration of a physical or sporting activity;

Considering that it is not the case demonstrated that the defendants were holding training on matters which differ substantially from those contained in the diploma programme required in France or training that did not prepare for all activities which gives access the national diploma;

That is not demonstrated that there is a substantial difference between the level of technical competence in which they prevail and that required for exercising the profession of sports in France; So it is not demonstrated that they fell into the category of persons to undergo tests on a decision by the administrative authority; Thus all defendants will be acquitted on this count prosecution;

ON THE ABSENCE OF DECLARATION

Considering that it can be argued that the requirement for a declaration of their activity to the administrative authority, for nationals of member states of the European Community and their employers under Article L463-4 code l Education became article L212-11 code of sport affect the principle of freedom of establishment laid down in the Treaty establishing the European Community; What effect this reporting requirement is not restricted to nationals of member states of the European Community but is scheduled for l'ensemble of persons exercising a teaching, coaching or running a business physical or athletic in France and has the character of a mere formality that can not be an obstacle to freedom of establishment for each; That is not disputed in this case by the defendants that they did not with this statement, even as regards BUTLER and gentlemen BARRETT BOYCE, the legislation had already been recalled;

That there should consequently be guilty of that offence;

ON THE ABSENCE OF REGISTRATION TO REGISTER OF TRADE AND COMPANIES

Considering that it is prepared by the various findings made by the gendarmes, l'inspection labour and management of Youth and Sports during their inspections repeated that Mr BUTLER exercises on the territory french teaching for 20 Years of skiing for 12 years and accommodation and food, and outside its period of activity in France, he does not

very occasionally ski courses, there has only an administrative office while his main centre d'activité is situated on the territory french;

Considering that, since its activity on the territory french this a permanent and stable, runs mainly in France by l'intermédiaire structures fixed and stable on the french territory, there is a facility which it must seek registration France;

That is also true for Mr BARRETT BOYCE which exercises on the territory french activity accommodation, catering and teaching skiing for 14 years;

Qu'il apparaît que l'intéressé a conduit sa immatriculation au RCS de Bonneville le 15 avril 2004, après l'inspection effectuée le 9 avril 2004;

Il est donc nécessaire de déclarer les deux défendants coupables de

cette infraction:

EN CE QUI CONCERNE LES VIOLATIONS CONTRE M. BUTLER ET M. BARRETT BOYCE

Considérant qu'il est à noter que, concernant M. BUTLER et l'hiver 2003-2004, un seul employé est impliqué dans ces infractions, M. CASEY et que, quant à l'hiver 2005-2006, un seul jour est visé par la prévention;

Qu'un total de cinq employés sont affectés par ces infractions;

Quant à M. BARRETT BOYCE, aucun employé n'est spécifiquement visé par la prévention;

Considérant que les défendants admettent avoir commis de telles infractions en ce qu'ils admettent n'avoir pas émis de bulletins de paie mentionnant les particularités requises par le droit du travail français; qu'ils ne peuvent justifier le montant précis des salaires alloués à leurs employés, les gendarmes, qui, d'après les déclarations des employés contrôlés par les gendarmes, se situent au-dessous du salaire minimum et qu'ils ne peuvent justifier les déclarations pour certains de leurs employés;

Il est donc nécessaire de déclarer les deux défendants coupables sur ce point et de prononcer cinq amendes pour violation par M. BUTLER et une amende par violation pour M. BARRETT BOYCE;

2 ° - EN CE QUI CONCERNE L'ACTION CIVILE

Considérant que l'URSSAF est partie civile;

Qu'il est donc admissible et recevable de la faire admettre en la forme de:

What tends his request to the conviction of Mr BUTLER BARRETT BOYCE and the payment of 3 0 00 euros each as damages;
Considering that it be declared and gentlemen BUTLER BARRETT BOYCE responsible for the injury suffered by the URSSAF;
Considering that the state produced evidence in the debates, the court has sufficient evidence is to fix 1500 euros each awards;
Considering that the National Union of ski instructors had french civil party;
Considering that the application is admissible and regular in form;
What tends his request to the conviction of Mr BARRETT BOYGE BUTLER and the payment of EUR 10 000 each as damages for injury under all and conviction of solidarity gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN the payment of 5 00 0 euros in damages for injury under all;
Considering that are required, under Article 475-1 of the Code of Criminal Procedure, a sum of 1 0 0 0 euros each to Messrs l'encontre BUTLER and BARRSTT BOYCE and a sum of 1 000 euros severally to l ' CASEY against gentlemen, GIBBS, WILKINS, Roberts and ASLIN;
Whereas it is expedient to declare gentlemen BUTLER, BARRETT BOYCE, CASEY, GIBBS, WILKINS, Roberts and ASLIN responsible for the injury suffered by the National Union monitors ski french;
Considering that the state produced evidence in the debates, the court has sufficient evidence is to fix 5 00 euros each to allocate the sum paid by BUTLER and gentlemen BARRETT BOYCE and 100 euros each one to allocate dependant gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN;
Considering that it would be unfair to leave the burden of the civil party are set by it for his legal representation; should therefore be allocated for this purpose, on the basis of Article 475-1 of the Code of Criminal Procedure, the sums of 250 euros each to load and gentlemen BUTLER BARRETT BOYCE;
It is right to say no to take place to allocate a sum on the basis of Article 475-1 of the Code of Criminal Procedure, the burden of gentlemen CASEY, GIBBS, WILKINS, ROBERTS

Considering that the Union professional ski Megève, ski school Megève was civil party;

Considering that the application is admissible and regular in form; What tends his request to the conviction of Mr BUTLER BARRETT BOYCE and the payment of EUR 10 000 each as damages for injury under all and conviction of solidarity gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN the payment of 5 000 euros in damages for injury under all; Considering that are required under 1 ■ Article 4 75-1 of the Code of Criminal Procedure, a sum of 1 0 0 0 euros each to Messrs l'encontre BUTLER and BARRETT BOYCE and a sum of 1 000 euros to jointly 1 against gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN; Whereas it is expedient to declare gentlemen BUTLER, BARRETT BOYCE, CASEY, GIBBS, WILKINS, Roberts and ASLIN responsible for the injury suffered by the Union of professional ski Megève School of Megeve ski;

Considering that the state produced evidence in the debates, the court has sufficient evidence is to fix 500 euros each to allocate the sum paid by BUTLER and gentlemen BARRETT BOYCE and 100 euros each one to be allocated to CASEY load gentlemen, GIBBS, WILKINS, Roberts and ASLIN;

Considering that it would be unfair to leave the burden of the civil party are set by it for his legal representation; should therefore be allocated for this purpose, on the basis of Article 475-1 of the Code of Criminal Procedure, the sums of 250 euros each to load and gentlemen BUTLER BARRETT BOYCE;

It is right to say no to take place to allocate a sum on the basis of Article 475-1 of the Code of Criminal Procedure, the burden of gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN;

BY THESE REASONS

Acting publicly and in the first instance,

Contradictoirement in respect of Mr James BARRETT BOYCE;

this judgement to be served;

Contradictoirement in respect of Mr James WILKINS; this judgement to be served;

Contradictoirement in respect of Mr William Roberts; this iuaement to be sianifié:

Contradictoirement in respect of Mr Simon BUTLER;
Contradictoirement to l'égard Mr Mark GIBBS; this judgement to be served;
Contradictoirement in respect of Mr ASLIN Glen; this judgement to be served;
Contradictoirement in respect of Mr Alex CASEY;
This judgement to be served;
1 ° - ON PUBLIC L1ACTION
Rejects l'exception invalidity and l'exception referred raised;
Relax Mr BARRETT BOYCE job of head of a foreign national of the EU or EEA, acting as a teacher, instructor, educator, instructor or facilitator of a physical or sporting activity and has not satisfied testing;
Declares Mr James BARRETT BOYCE convicted of other facts which he is accused;
Condemns BARRETT BOYCE James the fine of EUR 10 000;
The sentenced to a fine of 2 00 euros for the contravention of non-declaration of employees seconded;
The sentenced to a fine of 200 euros for the contravention pay less than the minimum wage;
The sentenced to a fine of 10 0 euro fine for the violation of discount pay slip of non-compliance;
Following the hearing deliberate the president has been advised that if convicted perform the amount of such fines within one month from the date of service of this decision, amount will be reduced by 2 0% without this decrease can exceed 1500 euros. The President was unable to inform the convict as the payment of the fine does not preclude the exercise of remedies.
Relax Mr James WILKINS manager exercise against remuneration of a function as a teacher, instructor, educator, instructor or facilitator of a physical or sporting activity without the requisite qualification;
Declares Mr James WILKINS convicted of other facts which he is accused;
WILKINS James condemns the fine of 1 000 euros;
Dit au'il will stay of execution of the oeine fine mii

has been pronounced against him.

Given the absence of the convict, the President is unable to give the notice provided by Article 132-29 of the Penal Code;

Relax Mr William Roberts, chief exercise against remuneration of a function as a teacher, instructor, educator, instructor or facilitator of a physical or sporting activity without the requisite qualification;

Declares Mr William Roberts guilty of other facts which he is accused;

ROBERTS William condemns the fine of 1 000 euros; Says he will stay of execution of the fine that has been made against him.

Given the absence of the convict, the President is unable to give the notice provided by Article 132-29 of the Penal Code;

Relax Mr Simon BUTLER job of head of a foreign national of l'UE or l'EEE, acting as a teacher, instructor, educator, instructor or facilitator of a physical or sporting activity and has not satisfied testing

*

Declares BUTLER Mr Simon guilty of other charges against him are accused;

BUTLER Simon condemns the fine of EUR 10 000;

The sentenced to five fines of 200 euros for the contravention of non-declaration of employees seconded;

The sentenced to five fines of 200 euros for the contravention of pay less than the minimum wage;

The sentenced to five fines of 10 0 euros for the contravention of discount pay slip of non-compliance;

Following the hearing deliberate the president has been advised that if convicted perform the amount of such fines within one month from the date of service of this decision, amount will be reduced by 20% without that reduction may not exceed 1500 euros. The President was unable to inform the prisoner that the payment of l'amende does not preclude the exercise of remedies.

Relax Mr Mark GIBBS manager exercise against remuneration of a function as a teacher, instructor, educator, instructor or facilitator of a physical or sporting activity without the requisite qualification;

Declares Mr Mark GIBBS guilty of other charges against him

GIBBS Mark condemns the fine of 1 000 euros;
Says he will stay of execution of the sentence of fine
has been pronounced against him.
Given the absence of the convict, the President is unable to give the
notice provided by Article 132-29 of the Penal Code;
Relax Mr ASLIN manager Glen exercise against remuneration of a
function as a teacher, instructor, educator, instructor or
facilitator of a physical or sporting activity without the requisite
qualification;
Declares Mr ASLIN Glen convicted of other facts which he is accused;
Condemns the Glen ASLIN fine of 1 000 euros;
Says he will stay of execution of the sentence of fine
has been pronounced against him.
Given the absence of the convict, the President is unable to give the
notice provided by Article 132-29 of the Penal Code;
Relax Mr CASEY manager Alex exercise against remuneration of a
function as a teacher, instructor, educator, instructor or
facilitator of a physical or sporting activity without the requisite
qualification;
Declares Sir Alex CASEY guilty of other charges against him
are accused;
CASEY Alex condemns the fine of 1 000 euros;
Says he will stay of execution of the sentence of fine
has been pronounced against him.
Given the absence of the convict, the President is unable to give the
notice provided by Article 132-29 of the Penal Code;
2 ° - ON THE CIVIL ACTION
By contradictory judgement against the TJRSSAF
By judgement l'égard contradictory to the National Union of ski
instructors french
By judgement inconsistent with regard to the Union monitors Megeve
ski, ski schools Megève
Receive URSSAF in its constitution civil party;
Declares BUTLER and gentlemen BARRETT BOYCE officials Dréiudice
suffered nar l 'TRSSAF:

BUTLER Condemns Mr Simon to pay the sum of the URSSAF
1500 euros in damages;:
Condemns Mr James BARRETT BOYCE payable to the URSAFF the sum of 1
500 euros in damages;
Awarded the National Union of ski instructors in its french for
damages;
Declares gentlemen BUTLER, BARRETT BOYCE, CASEY, GIBBS, WILKINS,
Roberts and ASLIN responsible for the injury suffered by the National
Union monitors ski french;
Condemns Mr Simon BUTLER payable to National Union monitors ski
french the sum of 500 euros in damages;
Condemns Mr James BARRETT BOYCE payable to National Union monitors
ski french the sum of 500 euros in damages;
Condemns Mr James WILKINS payable to National Union monitors ski
french the sum of 100 euros in damages;
Condemns Mr William Roberts to pay the National Union monitors ski
french the sum of 100 euros in damage éré s-int s;
Condemns Mr Mark GIBBS payable to National Union monitors ski french
the sum of 100 euros in damages;
Condemns Mr ASLIN Glen payable to National Union monitors ski french
the sum of 100 euros in damages;
Condemns Mr Alex CASEY payable to National Union monitors ski french
the sum of 100 euros in damages;
Condemns Mr Simon BUTLER payable to the National Union of french ski
instructors, under article 475-1 of the Code of Criminal Procedure,
the sum of 250 euros;
Condemns Mr James BARRETT BOYCE payable to the National Union of
french ski instructors, under article 475-1 of the Code of Criminal
Procedure, the sum of 25 ^ "euros;
Dit did take place in Article 4 75-1 of the Code of Criminal
Procedure for gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN;
Awarded the Occupational Union monitors Megeve ski, ski schools
Megève in its constitution civil party;
Declares gentlemen BUTLER. BARRETT ROYCTÏ:. r-aflRY

Roberts and ASLIN responsible for the injury suffered by the Union of professional ski Megève School of Megeve ski;

BUTLER Condemns Mr Simon to pay the Occupational Union monitors Megeve ski, ski schools Megève the sum of 500 euros in damages;

Condemns Mr James BARRETT BOYCE Union to pay the professional ski Megève, ski school Megève the sum of 500 euros in damages;

Condemns Mr James WILKINS payable to the Union of Professional Ski Instructors of Megève, ski school Megève the sum of 10 0 euros in damages;

Condemns Mr William Roberts to pay the Occupational Union monitors Megeve ski, ski schools Megève the sum of 100 euros in damages;

Condemns Mr Mark GIBBS payable to the Union of Professional Ski Instructors of Megève, ski school Megève the sum of 100 euros in damages;

Condemns Mr Glen ASLIN to pay the Occupational Union monitors Megeve ski, ski schools Megève the sum of 100 euros in damages;

Condemns Mr Alex CASEY payable to the Union of Professional Ski Instructors of Megève, ski school Megève the sum of 100 euros in damages;

BUTLER Condemns Mr Simon to pay the Occupational Union monitors Megève skiing, ski schools Megève under article 475-1 of the Code of Criminal Procedure, the sum of 250 euros;

Condemns Mr James BARRETT BOYCE payable to the Union of Professional Ski Instructors of Megève, ski school Megève under l'article 4 75-1 of the Code of Criminal Procedure, the sum of 250 euros;

Dit did take place in Article 4 75-1 of the Code of Criminal Procedure for gentlemen CASEY, GIBBS, WILKINS, Roberts and ASLIN;

This decision is subject to a right fixed procedure for an amount of 90 Euros which is liable each sentenced.

Everything under Articles 4 06 et seq and 48 5 of the Code of Criminal Procedure and texts mentioned above.

This judgement has been signed by the President and the Registrar.

The Registrar _ ^ ^ ^ _ [\ President