

JUDGMENT OF THE COURT

(Third Chamber)

of 14 April 2005

in Case C-468/02: Kingdom of Spain v Commission of the European Communities ⁽¹⁾

(EAGGF — Exclusion of certain expenditure — Public storage of olive oil — Arable crops sector)

(2005/C 132/04)

(Language of the case: Spanish)

In Case C-468/02 **Kingdom of Spain** (Agent: L. Fraguas Gadea) v **Commission of the European Communities** (Agent: S. Pardo Quintillán) — action for annulment under Article 230 EC, brought on 31 December 2002 — the Court (Third Chamber), composed of A. Rosas (Rapporteur), President of the Chamber, R. Schintgen and N. Colneric, Judges; P. Léger, Advocate General; R. Grass, Registrar, gave a judgment on 14 April 2005, in which it:

1. Dismisses the action.
2. Orders the Kingdom of Spain to pay the costs.

⁽¹⁾ OJ C 55, 08.03.2003.

(Rapporteur), M. Ilešič and E. Levits, Judges; D. Ruiz-Jarabo Colomer, Advocate General, K. Sztranc, Administrator, for the Registrar, gave a judgment on 14 April 2005, the operative part of which is as follows:

1. It is not contrary to Article 5(1) and (2) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste that a measure of domestic law should:

- fix limits in respect of the acceptance of biodegradable waste for landfill lower than those fixed by the Directive, even if those limits are so low that they call for treatment by mechanical and biological processes or the incineration of such waste before it is landfilled,
- fix earlier time-limits than those under the Directive in order to reduce the amount of waste going to landfill,
- apply not only to biodegradable waste but also to non-biodegradable organic substances, and
- apply not only to municipal waste but also to waste that may be disposed of as municipal waste.

2. The Community-law principle of proportionality is not applicable so far as concerns more stringent protective measures of domestic law adopted by virtue of Article 176 EC and going beyond the minimum requirements laid down by a Community directive in the sphere of the environment, inasmuch as other provisions of the Treaty are not involved.

⁽¹⁾ OJ C 101 of 26.04.2003.

JUDGMENT OF THE COURT

(First Chamber)

of 14 April 2005

in Case C-6/03 (reference for a preliminary ruling from the Verwaltungsgericht Koblenz): Deponiezweckverband Eiterköpfe v Land Rheinland-Pfalz ⁽¹⁾

(Environment — Landfill of waste — Directive 1999/31 — Domestic legislation laying down more stringent rules — Compatibility)

(2005/C 132/05)

(Language of the case: German)

In Case C-6/03: reference for a preliminary ruling under Article 234 EC from the Verwaltungsgericht Koblenz (Germany), made by decision of 4 December 2002, received at the Court on 8 January 2003, in the proceedings pending before that court between Deponiezweckverband Eiterköpfe and Land Rheinland-Pfalz — the Court (First Chamber), composed of P. Jann, President of the Chamber, N. Colneric, J.N. Cunha Rodrigues

JUDGMENT OF THE COURT

(Grand Chamber)

of 12 April 2005

in Case C-61/03: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland ⁽¹⁾

(Failure by a Member State to fulfil its obligations — EAEC Treaty — Scope — Military installations — Health and safety — Decommissioning of a nuclear reactor — Disposal of radioactive waste)

(2005/C 132/06)

(Language of the case: English)

In Case C-61/03: Commission of the European Communities (Agents: L. Ström and X. Lewis) v United Kingdom of Great

Britain and Northern Ireland (Agents: P. Ormond and C. Jackson and D. Wyatt, R. Plender and S. Tromans), supported by French Republic, (Agents: R. Abraham, G. de Bergues and E. Puisais) — action for failure to fulfil obligations under Article 141 EA, brought on 14 February 2003 — the Court (Grand Chamber), composed of V. Skouris, President, P. Jann, C.W.A. Timmermans, A. Rosas (Rapporteur), R. Silva de Lapuerta and A. Borg Barthet, Presidents of Chambers, N. Colneric, S. von Bahr, J. N. Cunha Rodrigues, P. Kūris, E. Juhász, G. Arestis and M. Ilešič, Judges; L. A. Geelhoed, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, gave a judgment on 12 April 2005, in which it:

1. *Dismisses the application;*
2. *Orders the Commission of the European Communities to pay the costs;*
3. *Orders the French Republic to bear its own costs.*

(¹) OJ C 101 of 26.04.2003.

JUDGMENT OF THE COURT

(Second Chamber)

of 17 March 2005

in Case C-91/03: Kingdom of Spain v Council of the European Union (¹)

(Conservation and exploitation of fisheries resources — Regulation (EC) No 2371/2002)

(2005/C 132/07)

(Language of the case: Spanish)

In Case C-91/03, action for annulment under Article 230 EC, brought on 28 February 2003, **Kingdom of Spain** (Agent: N. Díaz Abad) v **Council of the European Union** (Agents: J. Carbery, F. Florindo Gijón and M. Balta), supported by the **Commission of the European Communities** (Agents: T. van Rijn and S. Pardo Quintillán), and the **French Republic** (Agents: G. de Bergues and A. Colomb) — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, C. Gulmann, R. Schintgen, P. Kūris (Rapporteur) and J. Klučka, Judges; A. Tizzano, Advocate General; K. Sztranc, Administrator, for the Registrar, has given a judgment on 17 March 2005, in which it:

1. *Dismisses the action;*
2. *Orders the Kingdom of Spain to bear its own costs and those incurred by the Council of the European Union;*
3. *Orders the French Republic and the Commission of the European Communities to bear their own costs.*

(¹) OJ C 135 of 07.06.2003.

JUDGMENT OF THE COURT

(Third Chamber)

of 14 April 2005

in Case C-110/03: Kingdom of Belgium v Commission of the European Communities (¹)

(Action for annulment — Regulation (EC) No 2204/2002 — Horizontal State aid — Aid for employment — Legal certainty — Subsidiarity — Proportionality — Coherence of Community action — Non-discrimination — Regulation (EC) No 994/98 — Objection of illegality)

(2005/C 132/08)

(Language of the case: French)

In Case C-110/03 Kingdom of Belgium (Agents: initially A. Snoecx, and subsequently by E. Dominkovits, assisted D. Waelbroeck and D. Brinckman) v Commission of the European Communities (Agent: G. Rozet) — action for annulment under Article 230 EC, brought before the Court on 10 March 2003 — the Court (Third Chamber), composed of A. Rosas, President of the Chamber, A. Borg Barthet, J. P. Puissochet, J. Malenovský (Rapporteur) and U. Löhmus, Judges; D. Ruiz-Jarabo Colomer, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, gave a judgment on 14 April 2005, in which it:

1. *Dismisses the action;*
2. *Orders the Kingdom of Belgium to pay the costs.*

(¹) OJ C 112 of 10.05.2003.