

- (b) by making provision for automatic service of an order to leave Belgian territory on citizens of the Union who do not produce within the prescribed period the documents required to obtain a residence permit, the Kingdom of Belgium has failed to fulfil its obligations under Article 2 of Directive 90/364, Article 4 of Council Directive 68/360/EEC, Article 4 of Council Directive 73/148/EEC, Article 2 of Council Directive 93/96/EEC and Article 2 of Council Directive 90/365/EEC;

2. Orders the Kingdom of Belgium to pay the costs;
3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

(<sup>1</sup>) OJ C 275, 15.11.2003.

## Judgment of the Court (Grand Chamber) of 2 May 2006 — European Parliament v Council of the European Union

(Case C-436/03) (<sup>1</sup>)

(Action for annulment — Regulation (EC) No 1435/2003 — European Cooperative Society (SCE) — Choice of legal basis — Article 95 EC — Article 308 EC)

(2006/C 143/08)

Language of the case: French

### Parties

*Applicant:* European Parliament (represented by: R. Passos, E. Waldherr and J. Rufas Quintana, Agents)

*Defendant:* Council of the European Union (represented by: J.-P. Jacqué and M.C. Giorgi Fort, Agents)

*Intervener:* Commission of the European Communities (represented by: C. Schmidt and J.-F. Pasquier, Agents); Kingdom of Spain (represented by: E. Braquehais Conesa, Agent); United Kingdom of Great Britain and Northern Ireland (represented by: R. Caudwell, Agent, assisted by Lord Goldsmith and N. Paines)

### Re:

Annulment of Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (OJ 2003 L 207, p. 1)

### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders the European Parliament to pay the costs;
3. Orders the Kingdom of Spain, the United Kingdom of Great Britain and Northern Ireland and the Commission of the European Communities to bear their own costs.

(<sup>1</sup>) OJ C 289, 29.11.2003.

## Judgment of the Court (Third Chamber) of 30 March 2006 (reference for a preliminary ruling from the Corte d'appello di Milano) — Servizi Ausiliari Dottori Commercialisti Srl v Giuseppe Calafiori

(Case C-451/03) (<sup>1</sup>)

(Freedom of establishment — Freedom to provide services — Competition rules applicable to undertakings — State aid — Tax Advice Centres — Pursuit of certain tax advice and assistance activities — Exclusive right — Remuneration for such activities)

(2006/C 143/09)

Language of the case: Italian

### Referring court

Corte d'appello di Milano

### Parties to the main proceedings

*Applicant:* Servizi Ausiliari Dottori Commercialisti Srl

*Defendant:* Giuseppe Calafiori

### Re:

Reference for a preliminary ruling — Corte d'appello di Milano — Interpretation of Articles 4, 10, 43, 48, 49, 82, 86, 87 and 98 EC — Compatibility of national rules relating to the declaration of income which confer on tax advice centres the exclusive right to provide certain consultation and assistance services to undertakings and their employees