Re:

Reference for a preliminary ruling — Commissione tributaria provinciale di Cremona — Interpretation of Article 33 of Directive 77/388/EEC: Sixth Council Directive of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1), as amended by Council Directive 91/680/EEC of 16 December 1991 (OJ 1991 L 376, p. 1) — Compatibility of national legislation introducing a regional tax on production activities

Operative part of the judgment

Article 33 of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, as amended by Council Directive 91/680/CEE of 16 December 1991, must be interpreted as meaning that it does not preclude the maintenance of a charge to tax with the characteristics of the tax at issue in the main proceedings.

([1]) OJ C 21, 24.01.2004.

Judgment of the Court (Second Chamber) of 5 October 2006 — Commission of the European Communities v Portuguese Republic

(Case C-84/04) ([1])

(Failure of a Member State to fulfil obligations — Regulation (EEC) No 4253/88 and Article 10 EC — Structural funds — Coordination between activities of the Structural Funds and operations of the EIB — Systematic reduction of amounts paid by way of aid from the Guidance Section of the EAGGF — Charges levied by IFADAP during the programming period 1994-99)

(2006/C 294/06)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: A. Alves Vieira and G. Braun, acting as Agents, and by N. Castro Marques and F. Costa Leite, advogados)

Defendant: Portuguese Republic (represented by: L. Fernandes, acting as Agent, and by C. Botelho Moniz and E. Maia Cadete, advogados)

Re:

Failure of a Member State to fulfil obligations — Article 10 EC and Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments (OJ 1988 L 374, p. 1) — Systematic reduction of amounts paid by way of aid from the Guidance Section of the EAGGF — Compulsory charges levied by IFADAP during the programming period 1994-99

Operative part of the judgment

The Court:

1. *Declares that, by permitting the Instituto de Financiamento e Apoio ao Desenvolvimento da Agricultura e Pescas (Financing and Supporting Institute for the Development of Agriculture and Fisheries) to introduce, and by allowing to remain in force, a procedure for granting financial assistance from the Community Structural Funds that includes essential requirements involving the payment of charges which are neither voluntary nor optional and which do not constitute remuneration for services rendered, but rather serve to finance tasks for which the Portuguese State is responsible, particularly under Community law, the Portuguese Republic has failed to fulfil its obligations under Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments, as amended by Council Regulation (EEC) No 2082/93 of 20 July 1993;*

2. *Orders the Portuguese Republic to pay the costs.*

([1]) OJ C 94, 17.04.2004.

Judgment of the Court (First Chamber) of 21 September 2006 — Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied v Technische Unie BV, Commission of the European Communities, CEF City Electrical Factors BV, CEF Holdings Ltd

(Case C-105/04 P) ([1])

(Appeal — Cartels — Market in electrotechnical fittings in the Netherlands — National wholesalers' association — Agreements and concerted practices having as their object a collective exclusive dealing arrangement and price-fixing — Fines)

(2006/C 294/07)

Language of the case: Dutch

Parties

Appellant: Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied (represented by: E. Pijnacker Hordijk and M. De Grave, lawyer)

Other parties to the proceedings: Technische Unie BV(represented by: P. Bos and C. Hubert, lawyers), Commission of the European Communities (represented by: W. Wils, Agent and H. Gilliams, lawyer), CEF City Electrical Factors BV, CEF Holdings Ltd (represented by J. Stuyck, C. Vinken Geijselaers and M. Poelman, lawyers)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 16 December 2003 in Joined Cases T-5/00 and T-6/00 Nederlandse Federatieve *Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie BV* v *Commission*, by which the Court of First Instance dismissed the application seeking annulment of Commission Decision 2000/117/EC of 26 October 1999 concerning a proceeding pursuant to Article 81 of the EC Treaty (Case IV/33.884 — Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie) (OJ 2000 L 39, p. 1)

Operative part of the judgment

The Court:

1) *Sets aside the judgment of the Court of First Instance of the European Communities of 16 December 2003 in Joined Cases T-5/00 and T-6/00 Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie v Commission solely in so far as the Court of First Instance, in examining the plea alleging breach of the 'reasonable time' principle, omitted to ascertain whether the excessive duration, imputable to the Commission of the European Communities, of the entire administrative procedure, including the phase preceding the notification of the statement of objections, was capable of affecting the future possibilities of the Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied to defend its interests;*

2) *Dismisses the remainder of the application;*

3) *Dismisses the action brought by the Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied before the Court of First Instance, in so far as it is based in part on the plea alleging breach of the 'reasonable time' principle;*

4) *Orders the Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied to pay the costs of these proceedings. The costs relating to the proceedings at first instance which gave rise to the judgment of 16 December 2003 in Joined Cases T-5/00 and T-6/00 Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie v Commission remain payable by the Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied, in accordance with the procedure laid down in paragraph 2 of the operative part of that judgment.*

([1]) OJ C 106, 30.04.04.

Judgment of the Court (First Chamber) of 2\1 September 2006 — Technische Unie BV v Commission of the European Communities, CEF City Electrical Factors BV, CEF Holdings Ltd, Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied

(Case C-113/04 P) ([1])

(Appeal — Agreements, decisions and concerted practices — Market in electrotechical fittings in the Netherlands — National wholesalers' association — Agreements and concerted practices having as their object a collective exclusive dealing arrangement and price-fixing — Fines)

(2006/C 294/08)

Language of the case: Dutch

Parties

Appellant: Technische Unie BV (represented by: P. Bos and C. Hubert, Lawyers)

Other parties to the proceedings: Commission of the European Communities, (represented by: W. Wils, Agent, H. Gilliams, Lawyer), CEF City Electrical Factors BV, CEF Holdings Ltd, Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied (represented by: E. Pijnacker Hordijk, Lawyer)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 16 December 2003 in Joined Cases T-5/00 and T-6/00 Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie BV v Commission, by which the Court of First Instance dismissed the application seeking annulment of Commission Decision 2000/117/EC of 26 October 1999 concerning a proceeding pursuant to Article 81 of the EC Treaty (Case IV/33.884 — Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie) (OJ 2000 L 39, p. 1)

Operative part of the judgment

1. *Sets aside the judgment of the Court of First Instance of the European Communities of 16 December 2003 in Joined Cases T-5/00 and T-6/00 Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied and Technische Unie v Commission solely in so far as the Court of First Instance, in examining the plea alleging breach of the 'reasonable time' principle, omitted to ascertain whether the excessive duration, imputable to the Commission of the European Communities, of the entire administrative procedure, including the phase preceding the notification of the statement of objections, was capable of affecting the future possibilities of Technische Unie BV to defend its interests;*

2. *Dismisses the remainder of the application;*

3. *Dismisses the action brought by Technische Unie BV before the Court of First Instance, in so far as it is based in part on the plea alleging breach of the 'reasonable time' principle;*