

JUDGMENT OF THE COURT

(Fifth Chamber)

of 12 June 2003

in Case C-363/00: Commission of the European Communities v Italian Republic ⁽¹⁾

(Failure of a Member State to fulfil obligations — Communities' own resources — Error in crediting the account opened in the name of the Commission — Default interest)

(2003/C 184/04)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-363/00, Commission of the European Communities (Agents: E. Traversa and G. Wilms) v Italian Republic (Agents: U. Leanza, assisted by G. De Bellis): Application for a declaration that, by failing to make available to the Commission the sum of ITL 1 484 936 000 000 by way of own resources within the period laid down by Articles 9 and 10 of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1), and refusing to pay default interest owed on that amount pursuant to Article 11 of the same regulation, the Italian Republic has failed to fulfil its obligations under Articles 9, 10 and 11 of Regulation No 1150/2000 which, from 31 May 2000, repealed and replaced Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources (OJ 1989 L 155, p. 1), identical in aim, the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, C.W. A. Timmermans, P. Jann, S. von Bahr (Rapporteur) and A. Rosas, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 12 June 2003, in which it:

1. Declares that, by failing to make available to the Commission of the European Communities the sum of ITL 1 484 936 000 000 by way of own resources within the period laid down by Articles 9 and 10 of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources, and refusing to pay default interest owed on that amount pursuant to Article 11 of the same regulation, the Italian Republic has failed to fulfil its obligations under Articles 9, 10 and 11 of Regulation No 1150/2000 which, from 31 May 2000, repealed and replaced Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources, identical in aim;

2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 372, 23.12.2000.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 26 June 2003

in Case C-404/00: Commission of the European Communities v Kingdom of Spain ⁽¹⁾

(Failure of Member State to fulfil obligations — State aid — Regulation (EC) No 1013/97 — Aid to publicly-owned shipyards — Commission Decision 2000/131/EC ordering repayment — Non-implementation)

(2003/C 184/05)

(Language of the case: Spanish)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-404/00, Commission of the European Communities (Agents: K.-D. Borchardt and S. Rating) v Kingdom of Spain (Agent: S. Ortiz Vaamonde): Application for a declaration that, by not adopting within the prescribed period the measures necessary to comply with Commission Decision 2001/131/EC of 26 October 1999 on the State aid implemented by Spain in favour of the publicly-owned shipyards (OJ 2000 L 37, p. 22), which declares that that aid was granted illegally and is therefore incompatible with the common market, the Kingdom of Spain has failed to fulfil its obligations under the fourth paragraph of Article 249 EC and under Articles 2 and 3 of that decision, the Court (Sixth Chamber), composed of: R. Schintgen, President of the Second Chamber, acting as President of the Sixth Chamber, C. Gulmann, V. Skouris, F. Macken (Rapporteur) and N. Colneric, Judges; L. A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 26 June 2003, in which it:

1. Declares that, by not adopting within the prescribed period the measures necessary to comply with Commission Decision 2000/131/EC of 26 October 1999 on the State aid implemented by Spain in favour of the publicly-owned shipyards, which declares that that aid was granted unlawfully and is therefore incompatible with the common market, the Kingdom of Spain has failed to fulfil its obligations under Articles 2 and 3 of that decision;
2. Orders the Kingdom of Spain to pay the costs.

⁽¹⁾ OJ C 28, 27.1.2001.