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(Information)

COURT OF JUSTICE

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JUDGMENT OF THE COURT

(Grand Chamber)

of 15 November 2005

in Case C-392/02: Commission of the European Communities v Kingdom of Denmark ⁽¹⁾

(Failure of a Member State to fulfil obligations — Communities' own resources — Customs duties legally owing not subsequently recovered following an error by the national customs authorities — Financial liability of Member States)

(2005/C 330/01)

(Language of the case: Danish)

In Case C-392/02, Commission of the European Communities (Agent: H.-P. Hartvig and G. Wilms) v Kingdom of Denmark, (Agent: J. Molde), supported by Kingdom of Belgium, (Agent: A. Snoecx), Federal Republic of Germany (Agent: W.-D. Plesing, assisted by D. Sellner and U. Karpenstein, Rechtsanwälte), Italian Republic (Agent: I.M. Braguglia, assisted by G. de Bellis, avvocato dello Stato), Kingdom of the Netherlands (represented by H.G. Sevenster and J. van Bakel), Portuguese Republic, (Agents: L. Fernandes, Â. Seica Neves and J.A. dos Anjos), Kingdom of Sweden, (Agents: A. Kruse, K. Wistrand and A. Falk), — action under Article 226 EC for failure to fulfil obligations, brought on 7 November 2002 — the Court (Grand Chamber), composed of V. Skouris, President, P. Jann, C.W.A. Timmermans, A. Rosas and J. Makarczyk, Presidents of Chambers, C. Gulmann, A. La Pergola, J.-P. Puissochet, S. von Bahr (Rapporteur), P. Küris, U. Lohmus, E. Levits and A. Ó Caoimh, Judges; L.A. Geelhoed, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, gave a judgment on 15 November 2005, in which it:

1. Declares that, by failing to make available to the Commission of the European Communities an amount of DKK 140 409.60 in own resources, together with default interest thereon calculated as from 20 December 1999, the Kingdom of Denmark has failed to fulfil its obligations under Community law and, in particular, under Articles 2 and 8 of Council Decision 94/728/EC, Euratom of 31 October 1994 on the system of the European Communities' own resources;

2. Orders the Kingdom of Denmark to pay the costs;

3. Orders the Kingdom of Belgium, the Federal Republic of Germany, the Italian Republic, the Kingdom of the Netherlands, the Portuguese Republic and the Kingdom of Sweden to bear their own costs.

⁽¹⁾ OJ C 31,8.2.2003.

JUDGMENT OF THE COURT

(Third Chamber)

of 27 October 2005

in Case C-158/03: Commission of the European Communities v Kingdom of Spain ⁽¹⁾

(Freedom of establishment — Freedom to provide services — Calls for tender issued by the Instituto Nacional de Salud — Health services consisting of home respiratory treatments — Condition for tendering — Evaluation criteria — Principle of non-discrimination)

(2005/C 330/02)

(Language of the case: Spanish)

In Case C-158/03 Commission of the European Communities (Agents: G. Valero Jordana and K. Wiedner) v Kingdom of Spain (Agent: S. Ortiz Vaamonde) — action under Article 226 EC for failure to fulfil its obligations, brought on 7 April 2003 — the Court (Third Chamber), composed of A. Rosas (Rapporteur), President of the Chamber, J. Malenovský, J.-P. Puissochet, S. von Bahr and U. Lohmus, Judges; C. Stix-Hackl, Advocate General; M. Ferreira, Principal Administrator, for the Registrar, gave a judgment on 27 October 2005, in which it: