

## I

(Information)

## COURT OF JUSTICE

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## JUDGMENT OF THE COURT

(Third Chamber)

of 17 November 2005

**in Case C-90/03: Kingdom of Spain v Council of the European Union** <sup>(1)</sup>

*(Fisheries — Council Regulation (EC) No 2792/1999 — Community structural assistance in the fisheries sector — Detailed rules and arrangements — Substantial procedural defect — Infringement of Article 254 EC)*

(2006/C 22/01)

*(Language of the case: Spanish)*

In Case C-90/03 Kingdom of Spain (Agent: N. Díaz Abad), supported by Hellenic Republic (Agents: V. Kontolaimos and G. Kanellopoulos) and French Republic (Agents: G. de Bergues and A. Colomb) v Council of the European Union (Agents: J. Monteiro and F. Florindo Gijón), supported by Commission of the European Communities (Agents: T. van Rijn and S. Pardo Quintillán) — action for annulment under Article 230 EC, brought on 28 February 2003 — the Court (Third Chamber), composed of A. Rosas, President of the Chamber, J. Malenovský, S. von Bahr (Rapporteur), A. Borg Barthet and U. Lohmus, Judges; P. Léger, Advocate General; R. Grass, Registrar, gave a judgment on 17 November 2005, in which it:

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

3. Orders the French Republic, the Hellenic Republic and the Commission of the European Communities to bear their own costs.

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<sup>(1)</sup> OJ C 135 of 7.6.2003.

## JUDGMENT OF THE COURT

(First Chamber)

of 27 October 2005

**in Case C-41/04: Reference for a preliminary ruling from the Hoge Raad der Nederlanden Levob Verzekeringen BV, OV Bank NV v Staatssecretaris van Financiën** <sup>(1)</sup>

*(Sixth VAT Directive — Articles 2, 5, 6 and 9 — Transfer of software recorded on a carrier — Subsequent customisation of the software to the purchaser's specific requirements — Single taxable supply — Supply of services — Place of supply)*

(2006/C 22/02)

*(Language of the case: Dutch)*

In Case C-41/04: reference for a preliminary ruling under Article 234 EC from the Hoge Raad der Nederlanden (Netherlands), made by decision of 30 January 2004, received at the Court on 2 February 2004, in the proceedings between Levob Verzekeringen BV, OV Bank NV and Staatssecretaris van Financiën — the Court: (First Chamber) composed of P. Jann, President of the Chamber, K. Schiemann (Rapporteur), N. Colneric, J.N. Cunha Rodrigues and E. Levits, Judges; J. Kokott, Advocate General, K. Sztranc, Administrator, for the Registrar, gave a judgment on 27 October 2005, the operative part of which is as follows: