

**Judgment of the Court (First Chamber) of 18 October 2007 — Nordspedizionieri di Danielis Livio & C. Snc, in liquidation, Domenico D'Alessandro v Commission of the European Communities**

(Case C-62/05 P) <sup>(1)</sup>

(Appeal — Regulation (EEC) No 1430/79 — Remission of import duties — Consignment of cigarettes destined for Spain — Fraud committed in a Community transit operation)

(2007/C 315/07)

Language of the case: Italian

**Parties**

*Appellants:* Nordspedizionieri di Danielis Livio & C. Snc, in liquidation, Livio Danielis and Domenico D'Alessandro (represented by: G. Leone, lawyer)

*Other party to the proceedings:* Commission of the European Communities (represented by: X. Lewis, Agent, and G. Bambara, lawyer)

**Re:**

Appeal against the judgment of the Court of First Instance (Fifth Chamber) of 14 December 2004, in Case T-332/02 *Nordspedizionieri di Danielis Livio and Others v Commission* dismissing an action for the annulment of the Commission decision (REM 14/01) of 28 June 2002 informing the Italian authorities that there is no ground for the remission of import duties on a cargo of cigarettes destined for Spain on the ground that a fraud committed by third parties in the course of a Community transit operation does not constitute a special situation justifying the remission of import duties

**Operative part of the judgment**

*The Court:*

- 1) Dismisses the appeal;
- 2) Orders Nordspedizionieri di Danielis Livio & C. Snc, in liquidation, and Mr Danielis and Mr D'Alessandro to pay the costs.

<sup>(1)</sup> OJ C 82, 2.4.2005.

**Judgment of the Court (Grand Chamber) of 23 October 2007 — Commission of the European Communities v Federal Republic of Germany**

(Case C-112/05) <sup>(1)</sup>

(Failure of a Member State to fulfil obligations — Article 56 EC — Legislative provisions concerning the public limited company Volkswagen)

(2007/C 315/08)

Language of the case: German

**Parties**

*Applicant:* Commission of the European Communities (represented by: F. Benyon and G. Braun, Agents)

*Defendant:* Federal Republic of Germany (represented by: M. Lumma and A. Dittrich, Agents, assisted by H. Wissel, Lawyer)

**Re:**

Failure of a Member State to fulfil obligations — Articles 43 EC and 56 EC — Conditions for the privatisation of Volkswagenwerk GmbH — Allocation of special rights to certain shareholders — Mandatory State representation on the supervisory board of the company, irrespective of the numbers of shares held

**Operative part of the judgment**

*The Court:*

- 1) Declares that, by maintaining in force Paragraph 4(1), as well as Paragraph 2(1) in conjunction with Paragraph 4(3), of the Law of 21 July 1960 on the privatisation of equity in the Volkswagenwerk limited company (*Gesetz über die Überführung der Anteilsrechte an der Volkswagenwerk Gesellschaft mit beschränkter Haftung in private Hand*), in the version applicable to the present dispute, the Federal Republic of Germany has failed to fulfil its obligations under Article 56(1) EC;
- 2) Dismisses the remainder of the action;
- 3) Orders the Federal Republic of Germany to pay the costs.

<sup>(1)</sup> OJ C 143, 11.6.2005.