

entered in the accounts, equal to the amount of interest on arrears calculated from the date on which the debt is incurred until the date of subsequent entry in the accounts

Operative part of the judgment

1. Article 232(1)(b) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Council Regulation (EC) No 1791/2006 of 20 November 2006, must be interpreted as meaning that interest on arrears in relation to customs duties still to be recovered may be charged under that provision only in respect of the period falling after the deadline by which those duties were to be paid.
2. In the absence of corresponding provisions in Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation No 2913/92, as amended by Commission Regulation (EC) No 214/2007 of 28 February 2007, Article 214(3) of Regulation No 2913/92, as amended by Regulation No 1791/2006, must be interpreted as meaning that national authorities may not, on the basis of that provision, charge the person owing the customs debt compensatory interest in respect of the period between the date of the original customs declaration and the date of the subsequent entry in the accounts.
3. The general principles of EU law and, in particular, the principle of the legality of criminal offences and penalties preclude national authorities from applying, to a customs offence, a penalty for which no express provision is made under the national legislation.

(¹) OJ C 80, 27.3.2010.

Judgment of the Court (Fifth Chamber) of 24 March 2011 — Ferrero SpA v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Tirol Milch reg.Gen.mbH Innsbruck

(Case C-552/09 P) (¹)

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Community figurative mark TiMi KiNDER-JOGHURT — Earlier word mark KINDER — Invalidity proceedings — Article 52(1)(a) — Article 8(1)(b) and (5) — Assessment of the similarity of the signs — Family of marks)

(2011/C 152/13)

Language of the case: English

Parties

Appellant: Ferrero SpA (represented by: C. Gielen, advocaat)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis, acting as Agent), Tirol Milch reg.Gen.mbH Innsbruck

Re:

Appeal against the judgment of the Court of First Instance (Second Chamber) of 14 October 2009 in Case T-140/08 *Ferrero SpA v OHIM — Tirol Milch*, by which that court dismissed the action for annulment of the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 30 January 2008 in Case R 682/2007-2 annulling the decision of the Cancellation Division declaring the word mark 'TiMi KiNDERJOGHURT' invalid for goods in Class 29 in invalidity proceedings brought by the appellant

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Ferrero SpA to pay the costs.

(¹) OJ C 80, 27.3.2010.

Judgment of the Court (Seventh Chamber) of 31 March 2011 — European Commission v Italian Republic

(Case C-50/10) (¹)

(Failure of a Member State to fulfil obligations — Environment — Directive 2008/1/EC — Integrated pollution prevention and control — Requirements for the granting of permits for existing installations)

(2011/C 152/14)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and C. Zadra, acting as Agents)

Defendant: Italian Republic (represented by: M. Russo, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 5(1) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (OJ 2008 L 24, p. 8) — Installations which could have an effect on emissions into the air, water or soil and on pollution — Authorisation conditions for existing installations