

**Judgment of the Court (Sixth Chamber) of 15 May 2008 —  
Commission of the European Communities v Kingdom of  
Sweden**

(Case C-341/07) <sup>(1)</sup>

*(Failure of a Member State to fulfil its obligations — Enforcement of intellectual property rights — Failure to transpose within the prescribed time-limit)*

(2008/C 171/18)

Language of the case: Swedish

**Parties**

*Applicant:* Commission of the European Communities (represented by: W. Wils and P. Dejmek, Agents)

*Defendant:* Kingdom of Sweden (represented by: A. Kruse, Agent)

**Re:**

Failure of a Member State to fulfil its obligations — Failure to have adopted the provisions necessary to comply with Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ 2004 L 157, p. 45 and — corrigendum — OJ 2004 L 195, p. 16)

**Operative part of the judgment**

*The Court:*

1. Declares that, by failing to adopt, within the prescribed time-limit, all the laws, regulations and administrative provisions necessary to comply with Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, the Kingdom of Sweden has failed to fulfil its obligations under that directive.
2. Orders the Kingdom of Sweden to bear the costs.

<sup>(1)</sup> OJ C 211, 8.9.2007.

**Order of the Court (Seventh Chamber) of 10 April 2008  
(reference for a preliminary ruling from the Tribunale  
Amministrativo Regionale per la Lombardia (Italy)) —  
Termoraggi SpA v Comune di Monza**

(Case C-323/07) <sup>(1)</sup>

*(Public procurement — Public service and public supply contracts — Award without call for tenders — Award by a local authority to an undertaking whose capital it controls)*

(2008/C 171/19)

Language of the case: Italian

**Referring court**

Tribunale Amministrativo Regionale per la Lombardia

**Parties**

*Applicant:* Termoraggi SpA

*Defendant:* Comune di Monza

*Intervener:* Acqua Gas Azienda Municipale (AGAM)

**Re:**

Reference for a preliminary ruling — Tribunale Amministrativo Regionale per la Lombardia — Interpretation of Article 6 of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ 1992 L 209, p. 1) — Scope — National provisions attributing, outside of the procedures for the award of public works contracts laid down in the directive, the management of heating installations of certain buildings in a commune to a municipal undertaking

**Operative part of the order**

Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts and Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts do not apply to a contract concluded between a local authority and a person legally distinct from it, where the local authority exercises over the person concerned a control which is similar to that which it exercises over its own departments and, at the same time, that person carries out the essential part of its activities with the controlling local authority or authorities.