

**Judgment of the Court (Grand Chamber) of 15 December 2009 — European Commission v Kingdom of Sweden**

(Case C-294/05) <sup>(1)</sup>

**(Failure of a Member State to fulfil obligations — Duty-free imports of military equipment and of dual-use goods for civil and military use)**

(2010/C 51/03)

Language of the case: Swedish

**Parties**

*Applicant:* European Commission (represented by: L. Ström van Lier, P. Dejmek and G. Wilms, Agents)

*Defendant:* Kingdom of Sweden (represented by: A. Kruse and A. Falk, Agents)

*Interveners in support of the defendant:* Federal Republic of Germany (represented by: M. Lumma, Agent), Republic of Finland (represented by: J. Heliskoski, Agent), Kingdom of Denmark (represented by: J. Molde, Agent)

**Re:**

Failure of a Member State to fulfil obligations — Articles 2, 9, 10 and 11 of Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources (OJ 1989 L 155, p. 1) and, for the period after 31 May 2000, of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1) — Duty-free imports of military equipment and goods for civilian or military use

**Operative part of the judgment**

*The Court:*

1. Declares that, by failing to declare and pay to the European Commission own resources which were not collected in the period from 1 January 1998 until 31 December 2002, relating to imports of war material and goods for both civil and military use, and by failing to pay default interest arising from the failure to pay those own resources to the European Commission, the Kingdom of Sweden has failed to fulfil its obligations under Article 2 and Articles 9 to 11 of Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources, as amended by Council Regulation (EC, Euratom) No 1355/96 of 8 July 1996, until 31 May

2000 and, after that date, the same articles of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources.

2. Orders the Kingdom of Sweden to pay the costs.

3. Orders the Federal Republic of Germany, the Republic of Finland and the Kingdom of Denmark to bear their own costs.

<sup>(1)</sup> OJ C 217, 3.9.2005.

**Judgment of the Court (Grand Chamber) of 15 December 2009 — European Commission v Federal Republic of Germany**

(Case C-372/05) <sup>(1)</sup>

**(Failure of a Member State to fulfil obligations — Duty-free imports of military equipment)**

(2010/C 51/04)

Language of the case: German

**Parties**

*Applicant:* European Commission (represented by: C. Cattabriga, G. Wilms, D. Triantafyllou and H. Støvlbæk, Agents)

*Defendant:* Federal Republic of Germany (represented by: M. Lumma, Agent, C. von Donat, Rechtsanwalt)

*Interveners in support of the defendant:* Kingdom of Denmark (represented by: J. Bering Liisberg, Agent), Hellenic Republic (represented by: E.-M. Mamouna, A. Samoni-Rantou and K. Boskovits, Agents), Republic of Finland (represented by: E. Bygglin and A. Guimaraes-Purokoski, Agents)

**Re:**

Failure of a Member State to fulfil obligations — Infringement of Articles 2, 9, 10 and 11 of Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources (OJ 1989 L 155, p. 1) and, for the period after 31 May 2000, of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1) — Duty-free imports of military equipment