

**Judgment of the Court (Second Chamber) of 17 July 2008**  
**— Commission of the European Communities v Italian Republic**

(Case C-371/05) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 92/50/EEC — Articles 11 and 15(2) — Public service contracts — Award of IT services of the municipality of Mantova (Italy) — Direct award without prior publication of a notice to tender)*

(2008/C 223/03)

Language of the case: Italian

**Parties**

*Applicant:* Commission of the European Communities (represented by: X. Lewis, C. Zadra, L. Visaggio and C. Cattabriga, acting as Agents)

*Defendant:* Italian Republic (represented by: I.M. Braguglia, Agent and G. Fiengo, avvocato dello Stato)

**Re:**

Failure of a Member State to fulfil obligations — Infringement of Article 11 and Article 15(2) of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ L 209, 24.7.1992, p. 1) — Award of IT services for the Commune di Mantova — Direct award without prior publication of a contract notice

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the Commission of the European Communities to pay the costs.

<sup>(1)</sup> OJ C 10, 14.1.2006.

**Judgment of the Court (Fourth Chamber) of 17 July 2008**  
**— Commission of the European Communities v French Republic**

(Case C-389/05) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Articles 43 and 49 EC — Freedom of establishment and freedom to provide services — Animal health — Artificial insemination centre for bovine animals — National rules conferring on authorised centres the exclusive right to provide the service of artificially inseminating bovine animals in a defined geographical area and making the issue of an inseminator's licence subject to the conclusion of an agreement with one of those centres)*

(2008/C 223/04)

Language of the case: French

**Parties**

*Applicant:* Commission of the European Communities (represented by: A. Bordes and E. Traversa, Agents)

*Defendant:* French Republic (represented by: G. de Bergues, A. Colomb and G. Le Bras, Agents)

**Re:**

Failure of a Member State to fulfil obligations — Infringement of Articles 43 and 49 EC — Only 'insemination centres' authorised in France allowed to carry out activities relating to the artificial insemination of bovine animals.

**Operative part of the judgment**

*The Court:*

1. Declares that, by allowing only authorised artificial insemination centres, with exclusive rights over determined geographical areas, and persons holding an inseminator's licence, the issue of which is subject to the conclusion of an agreement with one of those centres, to provide the service of artificial insemination of bovine animals, the French Republic has failed to fulfil its obligations under Articles 43 EC and 49 EC;
2. Orders the French Republic to pay the costs.

<sup>(1)</sup> OJ C 10, 14.1.2006.