

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

(Case C-409/05) <sup>(1)</sup>

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

(2010/C 51/06)

Language of the case: Greek

**Parties**

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

*Defendant:* Hellenic Republic (represented by: A. Samoni-Rantou, E.-M. Mamouna and K. Boskovits, Agents)

*Interveners in support of the defendant:* Kingdom of Denmark (represented by: J. Bering Liisberg, Agent), Italian Republic (represented by: I. Braguglia, Agent, G. De Bellis, avvocato dello Stato), Portuguese Republic (represented by: C. Guerra Santos, L. Inez Fernandes and J. Gomes, Agents), Republic of Finland (represented by: J. Heliskoski and A. Guimaraes-Purokoski, Agents)

**Re:**

Failure of a Member State to fulfil its 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, in respect of the period after 31 May 2000 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

**Operative part of the judgment**

*The Court:*

1. Declares that, by refusing to calculate and to make payment to the European Commission of the own resources which were not collected in the period from 1 January 1998 until 31 December 2002, in relation to imports of military material which were exempted from customs duties, and by refusing to pay default interest arising from the failure to pay those own resources to the European Commission, the Hellenic Republic has failed to fulfil its obligations under, respectively, 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 Hellenic Republic to pay the costs;

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

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

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

(Case C-461/05) <sup>(1)</sup>

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

(2010/C 51/07)

Language of the case: Danish

**Parties**

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

*Defendant:* Kingdom of Denmark (represented by: J. Molde, J. Bering Liisberg and B. Weis Fogh, Agents)

*Interveners in support of the defendant:* Hellenic Republic (represented by: E.-M. Mamouna, A. Samoni-Rantou and K. Boskovits, Agents), Portuguese Republic (represented by: C. Guerra Santos, L. Inez Fernandes and J. Gomes, Agents), Republic of Finland (represented by: E. Bygglin and A. Guimaraes-Purokoski, Agents)

**Re:**

Failure of a Member State to fulfil obligations — Breach 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