

Operative part of the judgment

The Court:

- 1) Declares that, by failing to repeal Decree-Law No 48 051 of 21 November 1967, making the award of damages to persons injured by a breach of Community law relating to public contracts, or the national laws implementing it, conditional on proof of fault or fraud, the Portuguese Republic has failed to adopt the measures necessary to comply with the judgment of 14 October 2004 in Case C-275/03 *Commission v Portugal* and has thereby failed to fulfil its obligations under Article 228(1) EC;
- 2) Orders the Portuguese Republic to pay to the Commission of the European Communities, into the account 'European Community own resources', a penalty payment of EUR 19 392 for every day of delay in implementing the measures necessary to comply with the judgment in Case C-275/03 *Commission v Portugal*, from the day on which the Court of Justice delivers judgment in the present case until the day on which the judgment in Case C-275/03 *Commission v Portugal* is complied with;
- 3) Orders the Portuguese Republic to pay the costs.

(¹) OJ C 86, 8.4.2006.

Judgment of the Court (Eighth Chamber) of 24 January 2008
— Herta Adam v Commission of the European Communities

(Case C-211/06 P) (¹)

(Appeal — Officials — Remuneration — Expatriation allowance — Condition provided for by the second indent of Article 4(1)(a) of Annex VII to the Staff Regulations — Definition of 'work done for another State')

(2008/C 64/08)

Language of the case: French

Parties

Appellant: Herta Adam (represented by: S. Orlandi and J.-N. Louis, avocats)

Other party to the proceedings: Commission of the European Communities (represented by: J. Currall and L. Lozano Palacios, Agents)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 22 February 2006 in Case T-342/04 *Herta Adam v Commission* dismissing an action seeking the annulment of the Commission decision of 22 September 2003 refusing the applicant the benefit of the expatriation allowance provided for by Article 4 of Annex VII to the Staff Regulations of Officials of the European Communities

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Ms Adam to pay the costs.

(¹) OJ C 165, 15.7.2006.

Judgment of the Court (Fourth Chamber) of 17 January 2008
(reference for a preliminary ruling from the Juzgado de lo Social Único de Algeciras (Spain)) — Josefa Velasco Navarro v Fondo de Garantía Salarial (Fogasa)

(Case C-246/06) (¹)

(Social policy — Protection of workers in the event of insolvency of their employer — Directive 80/987/EEC amended by Directive 2002/74/EC — Direct effect — Compensation for unfair dismissal agreed under a judicial conciliation settlement — Payment guaranteed by the guarantee institution — Payment conditional upon the adoption of a judicial decision)

(2008/C 64/09)

Language of the case: Spanish

Referring court

Juzgado de lo Social Único de Algeciras