

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 1 and Article 5(3) and (4) of Council Directive 85/73/EEC of 29 January 1985 on the financing of health inspections and controls of fresh meat and poultrymeat (OJ 1985 L 32, p. 14), as amended by Council Directive 97/79/EC of 18 December 1997 (OJ 1997 L 24, p. 31), and of Article 27(2), (4) and (10) of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ 2004 L 165, p. 1), as amended by Commission Regulation (EC) No 776/2006 of 23 May 2006 (OJ 2006 L 136, p. 3) — National rules on the health inspection of meat also allowing, over and above the Community fee, the collection of an additional specific fee equivalent to the costs of bacteriological examinations of fresh meat

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 199, 25.8.2007.

**Judgment of the Court (First Chamber) of 19 March 2009
— Commission of the European Communities v Italian Republic**

(Case C-275/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — External Community transit — TIR Carnets — Customs duties — Own resources of the Communities — Making available — Time-limits — Default interest — Accounting rules)

(2009/C 113/10)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: G. Wilms, M. Velardo and D. Recchia, acting as Agents)

Defendant: Italian Republic (represented by: I.M. Braguglia and G. Albenzio, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 8 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 Article 6(2)(a) thereof, replaced as from 30 May 2000 by 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) — Accounting rules — Default interest due for late payment of own resources

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 199, 25.8.2007.

**Judgment of the Court (First Chamber) of 19 March 2009
(reference for a preliminary ruling from the Hessischer Verwaltungsgerichtshof (Germany)) — Firma Baumann GmbH v Land Hessen**

(Case C-309/07) ⁽¹⁾

(Common agricultural policy — Fees concerning veterinary inspections and controls — Directive 85/73/EEC)

(2009/C 113/11)

Language of the case: German

Referring court

Hessischer Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Firma Baumann GmbH

Defendant: Land Hessen

Re:

Reference for a preliminary ruling — Hessischer Verwaltungsgerichtshof — Interpretation of Article 5(3) and points 1, 2(a), 4(a) and 4(b) of Chapter I of Annex A to Council Directive 85/73/EEC of 29 January 1985 on the financing of health inspections and controls of fresh meat and poultrymeat (OJ 1985 L 32, p. 14), as amended by Council Directive 96/43/EC of 26 June 1996 (OJ 1996 L 162, p. 1) — Legislation making a distinction between slaughtering units in large establishments and other slaughtering activities, adjusting the rate of fees on a diminishing scale according to animal types and increasing fees for slaughtering carried out outside normal hours

Operative part of the judgment

1. Point 4(a) of chapter I of Annex A to Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC, as amended and consolidated by Council Directive 96/43/EC of 26 June 1996, must be interpreted as meaning that it does not permit Member States to deviate from the fee structure laid down in points 1 and 2(a) of Chapter I of Annex A and charge a fee the scale of which varies according to the size of establishments and diminishes according to the number of animals slaughtered per animal type;