

**Judgment of the Court (First Chamber) of 23 April 2009 —
Commission of the European Communities v Kingdom of
Belgium**

(Case C-292/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Public procurement — Directive 2004/18/EC — Procedures for the award of public works contracts, public supply contracts and public service contracts — Incorrect or incomplete transposition — Failure to transpose within the prescribed period)

(2009/C 141/07)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: B. Stromsky, D. Kukovec and M. Konstantinidis, acting as Agents)

Defendant: Kingdom of Belgium (represented by: D. Haven and J.-C. Halleux, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, all the provisions necessary to comply with Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114)

Operative part of the judgment

The Court:

1. Declares that by failing to adopt the laws, regulations and administrative provisions necessary to transpose or to transpose completely and/or correctly Article 1(2)(b) in conjunction with Annex I; the second sentence of Article 9(1); Article 9(8)(a)(i) and (iii); Article 23(2); Article 30(2) to (4); Article 31(1)(c); Article 38(1); point (d) of the first paragraph of Article 43; the second subparagraph of Article 44(2); Article 44(3) and (4); the first paragraph of Article 46; Article 48(2)(f); points (d) and (e) of the second subparagraph of Article 55(1); Article 55(3); the second and third subparagraphs of Article 67(2); the first paragraph of point (a) of Article 68; Article 72, and Article 74(1) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as amended by Commission Regulation (EC) No 2083/2005 of 19 December 2005, the Kingdom of Belgium has failed to fulfil its obligations under that directive;

2. Dismisses the action as to the remainder;

3. Orders the Kingdom of Belgium to pay the costs.

⁽¹⁾ OJ C 211, 08.09.2007.

**Judgment of the Court (Second Chamber) of 23 April 2009 —
Commission of the European Communities v Hellenic
Republic**

(Case C-331/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Animal feed and food law — Regulation (EC) No 882/2004 — Shortage of staff assigned to the services responsible for veterinary controls)

(2009/C 141/08)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: H. Tserepa-Lacombe and F. Erlbacher, Agents)

Defendant: Hellenic Republic (represented by: S. Charitaki and I. Chalkias, Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 4(2) 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) — Shortage of staff assigned to the services responsible for veterinary controls

Operative part of the judgment

The Court:

1. Declares that, by not having adopted all the measures necessary to remedy the shortage of staff assigned to the services responsible for veterinary controls in Greece, the Hellenic Republic has failure to fulfil its obligations under Article 4(2)(c) 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;

2. Dismisses the action as to the remainder;

3. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 247, 20.10.2007.