

C-140/03 *Commission v Greece*, the Hellenic Republic has failed to fulfil its obligations under Article 228(1) EC.

2. Orders the Hellenic Republic to pay into the 'European Community own resources' account of the Commission of the European Communities a lump sum of EUR 1 million.
3. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 64, 8.3.2008.

Judgment of the Court (Second Chamber) of 11 June 2009 (Reference for a preliminary ruling from the Krajský soud v Ústí nad Labem — Czech Republic) — RLRE Tellmer Property s.r.o. v Finanční ředitelství v Ústí nad Labem

(Case C-572/07) (¹)

(Preliminary references — VAT — Exemption for lettings of immovable property — Cleaning of common parts related to the letting — Ancillary supplies)

(2009/C 180/19)

Language of the case: Czech

Referring court

Krajský soud v Ústí nad Labem

Parties to the main proceedings

Applicant: RLRE Tellmer Property s.r.o.

Defendant: Finanční ředitelství v Ústí nad Labem

Re:

Reference for a preliminary ruling — Krajský soud v Ústí nad Labem (Czech Republic) — Interpretation of Articles 6 and 13 B(b) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Scope of the VAT exemption on the letting of immovable property — Inclusion of costs for cleaning the common parts of an apartment block.

Operative part of the judgment

For the purposes of applying Article 13B(b) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of

value added tax: uniform basis of assessment, the letting of immovable property and the cleaning service of the common parts of the latter must, in circumstances such as those at issue in the main proceedings, be regarded as independent, mutually divisible operations, so that the said service does not fall within that provision.

(¹) OJ C 79, 29.3.2008.

Judgment of the Court (Third Chamber) of 4 June 2009 (reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven — Netherlands) — T-Mobile Netherlands BV, KPN Mobile NV, Orange Nederland NV, Vodafone Libertel NV v Raad van bestuur van de Nederlandse Mededingingsautoriteit

(Case C-8/08) (¹)

(Reference for a preliminary ruling — Article 81(1) EC — Concept of 'concerted practice' — Causal connection between concerted action and the market conduct of undertakings — Appraisal in accordance with the rules of national law — Whether a single meeting is sufficient or whether concerted action on a regular basis over a long period is necessary)

(2009/C 180/20)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicants: T-Mobile Netherlands BV, KPN Mobile NV, Orange Nederland NV, Vodafone Libertel NV

Defendant: Raad van bestuur van de Nederlandse Mededingingsautoriteit

Re:

Reference for a preliminary ruling — College van Beroep voor het bedrijfsleven — Interpretation of Article 81 EC — Concept of concerted practice — Need for a causal link between the concerted action and the conduct of the undertakings on the market — Whether appraisal is to be carried out in accordance with the rules of national law — Whether one instance of concerted action is sufficient or whether concerted action on a regular basis over a lengthy period is necessary