

Form of order sought

- declare that, by not adopting all the laws, regulations and administrative provisions necessary to comply with Directive 2005/29/EC ⁽¹⁾, or, in any event, by not communicating those provisions to the Commission, the Federal Republic of Germany has failed to fulfil its obligations under Community law, in particular under Article 19 of that directive;
- order the Federal Republic of Germany to pay the costs.

Pleas in law and main arguments

The period for implementing the Directive expired on 12 June 2007.

⁽¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'); OJ 2005 L 149, p. 22.

Action brought on 18 July 2008 — Commission of the European Communities v Italian Republic

(Case C-334/08)

(2008/C 223/65)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: A. Aresu and A. Caeiros, acting as Agents)

Defendant: Italian Republic

Form of order sought

- declare that the Italian Republic has failed to fulfil its obligations under Article 10 EC, Article 8 of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources ⁽¹⁾, and Articles 2, 6, 10, 11 and 17 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⁾ by refusing to make available to the Commission the own resources corresponding to the customs obligation deriving from the issue, from

27 February 1997, by the departmental head office of customs of the Regions of Apulia and Basilicata, located in Bari, of irregular authorisations to create and operate Type C customs bonded warehouses in Taranto, followed by consecutive authorisations for processing under customs control and to use the inward processing procedure, until their revocation on 4 December 2002;

- order the Italian Republic to pay the costs.

Pleas in law and main arguments

By the present action the Commission of the European Communities complains that the Italian Government has refused to make available to the European Communities the own resources — quantified at approximately EUR 23 million — corresponding to certain irregular customs authorisations issued in Taranto in the period from February 1997 to December 2002 inclusive.

The contested subject-matter concerns, essentially, liability for the amounts relating to the resources not collected owing to the irregular transactions in question. The Italian Government submits that it is not liable for the missing revenue caused by those irregularities, since the latter were solely attributable to the officials who caused the loss, whereas the Commission takes the view that the Community legislation in force requires the Italian State to make itself responsible for all the financial consequences deriving from the action — including irregular action — of officials who act in its name and on its behalf.

⁽¹⁾ OJ L 253 of 7.10.2000, p. 42.

⁽²⁾ OJ L 130 of 31.5.2000, p. 1.

Order of the President of the Court of 30 April 2008 (reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Josef Holzinger v Bundesministerium für Bildung, Wissenschaft und Kultur

(Case C-332/07) ⁽¹⁾

(2008/C 223/66)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 269, 10.11.2007.