

Judgment of the Court (Second Chamber) of 24 June 2010 (reference for a preliminary ruling from the Tribunale di Treviso (Italy)) — Criminal proceedings against Luigi Pontini, Emanuele Rech, Dino Bonora, Giovanni Forato, Laura Forato, Adele Adami, Sinergie sas di Rech & C., Impresa individuale Forato Giovanni, Forato srl, Giglio srl, Impresa individuale Rech Emanuele, Ivo Colomberotto, Agenzia Veneta per i pagamenti in agricoltura — AVEPA, Agenzia per le Erogazioni in Agricoltura (AGEA), Agrirocca di Rech Emanuele, Asolat di Rech Emanuele & C.

(Case C-375/08) ⁽¹⁾

(Agriculture — Common organisation of the markets — Beef and veal — Regulation (EC) No 1254/1999 — Community financial aid concerning special premiums for male bovine animals and payments for extensification — Conditions for granting — Calculation of the stocking density on the holding — Meaning of ‘available forage area’ — Regulation (EEC) No 3887/92 and Regulation (EC) No 2419/2001 — Integrated administration and control system for certain Community aid schemes — National legislation making the grant of Community financial aid conditional upon production of a valid legal document attesting to the right to use the areas under forage)

(2010/C 221/06)

Language of the case: Italian

Referring court

Tribunale di Treviso

Parties in the main proceedings

Luigi Pontini, Emanuele Rech, Dino Bonora, Giovanni Forato, Laura Forato, Adele Adami, Sinergie sas di Rech & C., Impresa individuale Forato Giovanni, Forato srl, Giglio srl, Impresa individuale Rech Emanuele, Ivo Colomberotto, Agenzia Veneta per i pagamenti in agricoltura — AVEPA, Agenzia per le Erogazioni in Agricoltura (AGEA), Agrirocca di Rech Emanuele, Asolat di Rech Emanuele & C.

Re:

Reference for a preliminary ruling — Tribunale di Treviso — Interpretation of Council Regulation No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal (OJ 1999 L 160, p. 21) — Meaning of ‘forage area’ — National legislation making, in the absence of an ownership right, the grant of Community financial aid conditional upon production of a valid legal document attesting to the right to use the areas under forage.

Operative part of the judgment

The Community legislation — and, in particular, Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal — does not make the eligibility of an application for special premiums for male bovine animals or payments

for extensification conditional upon the production of a valid legal document attesting to the aid applicant's right to use the forage areas to which the application relates. However, subject to compliance with the objectives pursued by the Community legislation, as well as the general principles of Community law and, in particular, the principle of proportionality, the Community legislation does not preclude Member States from imposing, under their national legislation, a requirement to produce such a document.

⁽¹⁾ OJ C 327, 20.12.2008.

Judgment of the Court (Second Chamber) of 17 June 2010 — Lafarge SA v European Commission, Council of the European Union

(Case C-413/08 P) ⁽¹⁾

(Appeal — Agreements, decisions and concerted practices — Plasterboard — Distortion of the clear sense of the evidence — Burden of proof — No proper statement of reasons — Regulation No 17 — Article 15(2) — Penalty — Repeated infringement — Stage at which the deterrent effect of the fine is to be taken into account)

(2010/C 221/07)

Language of the case: French

Parties

Appellant: Lafarge SA (represented by: A. Winckler, F. Brunet, E. Paroche, H. Kanellopoulos and C. Medina, avocats)

Other parties to the proceedings: European Commission (represented by: F. Castillo de la Torre and N. von Lingen, Agents), Council of the European Union

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 8 July 2008 in Case T-54/03 *Lafarge SA v Commission* rejecting the appellant's action for the annulment of the Commission's decision of 27 November 2002, which imposed a fine on the appellant pursuant to Article 81 EC — Cartel fixing prices in the plasterboard sector — Infringement of the obligation to state adequate grounds and the rules governing the burden of proof — Infringement of the principles of equal treatment and proportionality as regards the calculation of the fine — Concept of ‘repeated infringement’

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Lafarge SA to pay the costs.

(¹) OJ C 327, 20.12.2008.

**Judgment of the Court (Fourth Chamber) of 17 June 2010
— European Commission v Italian Republic**

(Case C-423/08) (¹)

(Failure of a Member State to fulfil obligations — Own resources — Procedures for collecting import or export duties — Failure to comply with the time-limits for entry of the own resources — Late payment of own resources relating to those duties)

(2010/C 221/08)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: A. Aresu and A. Caeiros, Agents)

Defendant: Italian Republic (represented by: I. Bruni, Agent, G. Albenzio and F. Arena, avvocati dello Stato)

Intervener in support of the defendant: Republic of Finland (represented by: J. Heliskoski, Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 2, 6, 9, 10 and 11 of Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, on the system of the Communities' own resources (OJ 1989 L 155, p. 1), 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), and Article 220 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Delay in payment of Communities' own resources in the event of subsequent recovery of import duties

Operative part of the judgment

The Court:

1. Declares that, by failing to comply with the time-limits for entry of the Communities' own resources in the event of subsequent recovery and by delaying payment of those resources, the Italian Republic has failed to fulfil its obligations under Articles 2, 6 and 9 to 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, and the same articles 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, and under Article 220 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code.
2. Orders the Italian Republic to pay the costs.
3. Orders the Republic of Finland to bear its own costs.

(¹) OJ C 313, 6.12.2008.

**Judgment of the Court (First Chamber) of 17 June 2010 —
European Commission v French Republic**

(Case C-492/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2006/112/EC — Value added tax — Reduced rate — Articles 96 and 98(2) — Annex III, point 15 — Legal aid — Services of lawyers — Payment in full or in part by the State)

(2010/C 221/09)

Language of the case: French

Parties

Applicant: European Commission (represented by: M. Afonso, Agent)

Defendant: French Republic (represented by: G. de Bergues and J.-S. Pilczner, Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 96 and 98(2) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1; 'the VAT directive') — Reduced rate of VAT — Categories of services listed in Annex III to the VAT directive which can benefit from a reduced rate — Reduction in the rate of VAT for services provided by lawyers paid by the State under the legal aid scheme