

## JUDGEMENT OF THE COURT

(Sixth Chamber)

14 March 2002

in Case C-340/98: Italian Republic v Council of the European Union<sup>(1)</sup>

*(Sugar — Price regime — Marketing year 1998/1999 — Regionalisation — Non-deficit areas — Classification of Italy — Validity of Regulations (EC) Nos 1360/98 and 1361/98)*

(2002/C 118/02)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-340/98, Italian Republic (Agent: U. Leanza, assisted by I. M. Braguglia) v Council of the European Union (Agents: J. Carbery, I. Díez Parra and A. Tanca), supported by Commission of the European Communities (Agent: F. P. Ruggeri): Application for annulment of Article 1 of Council Regulation (EC) No 1361/98 of 26 June 1998 fixing, for the 1998/1999 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, and the amount of compensation for storage costs (OJ 1998 L 185, p. 3), in so far as it omits to fix the derived intervention price for white sugar for all areas of Italy and thus renders applicable in Italy the intervention price for white sugar fixed by Article 1(2) of Council Regulation (EC) No 1360/98 of 26 June 1998 fixing, for the 1998/1999 marketing year, certain sugar prices and the standard quality of beet (OJ 1998 L 185, p. 1), and, if necessary, annulment of Article 1(2) of Regulation No 1360/98, in so far as it also fixes the intervention price for white sugar for Italy, the Court (Sixth Chamber), composed of: F. Macken, President of the Chamber, N. Colneric (Rapporteur), C. Gulmann, J.-P. Puissechet and J.N. Cunha Rodrigues, Judges; J. Mischo, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 14 March 2002, in which it:

1. Dismisses the application;
2. Orders the Italian Republic to pay the costs;
3. Orders the Commission of the European Communities to bear its own costs.

<sup>(1)</sup> OJ C 340 of 7.11.1998.

## JUDGEMENT OF THE COURT

(Sixth Chamber)

19 March 2002

in Case C-426/98: Commission of the European Communities v Hellenic Republic<sup>(1)</sup>

*(Failure by a Member State to fulfil its obligations — Directive 69/335/EEC — Indirect taxes on the raising of capital — Special charges imposed on the formation of public and private limited liability companies, on the publication and alteration of their statutes and on the increase in their capital)*

(2002/C 118/03)

(Language of the case: Greek)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-426/98, Commission of the European Communities (Agent: D. Gouloussis) v Hellenic Republic (Agent: P. Mylonopoulos): Application for a declaration that, by imposing, in addition to capital duty, other special charges on the capital of public and private limited liability companies on their formation, on the publication and alteration of their statutes and on the increase in their capital, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and, more specifically, under Articles 7 and 10 of Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital (OJ, English Special Edition 1969 (II), p. 412), as amended by Council Directive 85/303/EEC of 10 June 1985 (OJ 1985 L 156, p. 23), the Court (Sixth Chamber), composed of: N. Colneric, President of the Second Chamber, acting for the President of the Sixth Chamber, C. Gulmann, J.-P. Puissechet, R. Schintgen (Rapporteur) and V. Skouris, Judges; C. Stix-Hackl, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 19 March 2002, in which it:

1. Declares that, by imposing, in addition to capital duty, other special charges on the capital of public and private limited liability companies on their formation, on the publication and alteration of their statutes and on the increase in their capital, the Hellenic Republic has failed to fulfil its obligations under Articles 7 and 10 of Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital, as amended by Council Directive 85/303/EEC of 10 June 1985;