

Consideration of the questions referred for a preliminary ruling have disclosed nothing to affect the validity of Articles 1, 3, 4, 5, 6(c) and 31 of Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community.

(¹) OJ C 97 of 20.4.2002.

JUDGMENT OF THE COURT

(Second Chamber)

of 15 July 2004

in Case C-144/02: Commission of the European Communities v Federal Republic of Germany (¹)

(Failure of a Member State to fulfil obligations — Directive 77/388/EC — VAT — Article 11(A)(1)(a) — Taxable amount — Subsidy directly linked to the price — Regulation (EC) No 603/95 — Aid granted in the dried fodder sector)

(2004/C 228/07)

(Language of the case: German)

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

In Case C-144/02: Commission of the European Communities (Agent: E. Traversa and K. Gross) v Federal Republic of Germany (Agent: M. Lumma), supported by Republic of Finland (Agents: T. Pynnä and E. Bygglin) and by Kingdom of Sweden (Agents: Kruse and A. Falk) — application for a declaration that, by failing to levy value added tax on aid paid under Council Regulation (EC) No 603/95 of 21 February 1995 on the common organisation of the market in dried fodder (OJ 1995 L 63, p. 1), the Federal Republic of Germany has failed to fulfil its obligations under Article 11 of the 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) — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur), J.-P. Puissechot, J.N. Cunha Rodrigues and N. Colneric, Judges; L.A. Geelhoed, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 15 July 2004 in which it:

1. Dismisses the action;

2. Orders the Commission of the European Communities to pay the costs;

3. Orders the Republic of Finland and the Kingdom of Sweden to bear their own costs.

(¹) OJ C 156 of 29.6.2002.

JUDGMENT OF THE COURT

(Second Chamber)

15 July 2004

in Case C-239/02 (reference for a preliminary ruling from the Rechtbank van Koophandel, Hasselt): Douwe Egberts NV v Westrom Pharma NV and Others (¹)

(Approximation of laws — Interpretation of Article 28 EC and of Directives 1999/4/EC and 2000/13/EC — Validity of Directive 1999/4/EC — Labelling and advertising of foodstuffs — Prohibitions of references to health)

(2004/C 228/08)

(Language of the case: Dutch)

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

In Case C-239/02: reference to the Court under Article 234 EC from the Rechtbank van Koophandel, Hasselt (Belgium) for a preliminary ruling in the proceedings pending before that court between Douwe Egberts NV and Westrom Pharma NV, Christophe Souranis, carrying on business under the commercial name of 'Etablissements FICS', and between Douwe Egberts NV and FICS-World BVBA — on the interpretation of Article 28 EC, on the interpretation and validity of Article 2 of Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts (OJ 1999 L 66, p. 26), and on the interpretation of Article 18 of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ 2000 L 109, p. 29) — the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Second Chamber, J.-P. Puissechot, J.N. Cunha Rodrigues (Rapporteur), R. Schintgen and N. Colneric, Judges; L.A. Geelhoed, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 15 July 2004, in which it has ruled: