

## JUDGMENT OF THE COURT OF JUSTICE

(Fourth Chamber)

of 16 December 2004

in Case C-24/03: **Italian Republic v Commission of the European Communities** <sup>(1)</sup>

(EAGGF — *Partial annulment of Commission Decision 2002/881/EC — Financial corrections — Fruit and vegetable and public grain storage sector*)

(2005/C 45/08)

(Language of the case: Italian)

In Case C-24/03: **Italian Republic** (Agent: M. Fiorilli) against **Commission of the European Communities** (Agents: C. Cattabriga and L. Visaggio) — action for annulment under Article 230 EC, brought on 15 January 2003 — the Court of Justice (Fourth Chamber), composed of K. Lenaerts, President of the Chamber, J.N. Cunha Rodrigues and K. Schiemann (Rapporteur), Judges; L.A. Geelhoed, Advocate General, R. Grass, Registrar, has given a judgment on 16 December 2004, in which it:

1. Dismisses the action.
2. Orders the Italian Republic to pay the costs.

<sup>(1)</sup> OJ C 70 of 22.03.2004.

## JUDGMENT OF THE COURT

(Second Chamber)

of 9 December 2004

in Case C-36/03 (reference for a preliminary ruling from the High Court of Justice of England and Wales, Queen's Bench Division (Administrative Court)): **The Queen, on the application of: Approved Prescription Services Ltd, v Licensing Authority** <sup>(1)</sup>

(*Medicinal products — Marketing authorisation — Procedures for essentially similar products*)

(2005/C 45/09)

(Language of the case: English)

In Case C-36/03: reference for a preliminary ruling under Article 234 EC from the High Court of Justice of England and Wales, Queen's Bench Division (Administrative Court) (United Kingdom), made by order of 23 December 2002, received at the Court on 3 February 2003, in the proceedings between

**The Queen**, on the application of: **Approved Prescription Services Ltd**, and **Licensing Authority**, acting by the Medicines and Healthcare products Regulatory Agency, interested party: **Eli Lilly & Co. Ltd**, — the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur), J.-P. Puissochet, N. Colneric and J.N. Cunha Rodrigues, Judges; F.G. Jacobs, Advocate General; M. Múgica Arzamendi, Principal Administrator, for the Registrar, has given a judgment on 9 December 2004, in which it has ruled:

An application for marketing authorisation for a Product C may be made under Article 10(1)(a)(iii) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use where the application seeks to demonstrate that Product C is essentially similar to a Product B, in circumstances where:

- Product B is a new pharmaceutical form of Product A, and
- Product A, but not Product B, has been authorised for marketing in the Community for at least the six or ten year period stipulated therein.

<sup>(1)</sup> OJ C 83 of 5.4.2003.

## JUDGMENT OF THE COURT

(Third Chamber)

of 16 December 2004

in Case C-62/03: **Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland** <sup>(1)</sup>

(*Waste — Directives 75/442/EEC and 91/156/EEC — Transposition*)

(2005/C 45/10)

(Language of the case: English)

In Case C-62/03, action under Article 226 EC for failure to fulfil obligations, brought on 14 February 2003, between the **Commission of the European Communities** (Agents: X. Lewis and M. Konstantinidis) and **United Kingdom of Great Britain and Northern Ireland** (Agents: K. Manji and by D. Wyatt QC) — the Court (Third Chamber), composed of: A. Rosas, President of the Chamber, A. Borg Barthet, J. P. Puissochet (Rapporteur), J. Malenovský and U. Lohmus, Judges; C. Stix-Hackl, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 16 December 2004, in which it:

1. Declares that, by failing to take the measures necessary to comply with the obligations under Articles 1(a), (e) and (f), 2(1)(b), 3, 4, 5, 7(1), 8, 12, 13 and 14 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991 and, most recently, by Commission Decision 96/350/EC of 24 May 1996, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

(<sup>1</sup>) OJ C 101 of 26.4.2003.

## JUDGMENT OF THE COURT

(Second Chamber)

of 9 December 2004

in Case C-79/03: Commission of the European Communities v Kingdom of Spain (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Hunting)*

(2005/C 45/11)

(Language of the case: Spanish)

In Case C-79/03: Action under Article 226 EC for failure to fulfil obligations, brought on 21 February 2003, between **Commission of the European Communities** (Agent: G. Valero Jordana) and **Kingdom of Spain** (Agent: N. Díaz Abad) – the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur), J. Makarczyk, P. Küris and J. Klučka, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 9 December 2004, in which it:

1. Declares that, by allowing hunting using limed twigs in the Community of Valencia by means of the method known as 'parany', the Kingdom of Spain has failed to fulfil its obligations under Articles 8(1) and 9(1) of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds;

2. Orders the Kingdom of Spain to pay the costs.

(<sup>1</sup>) OJ C 101 of 26.4.2003.

## JUDGMENT OF THE COURT

(Second Chamber)

of 9 December 2004

in Case C-123/03 P: Commission of the European Communities v Greencore Group plc (<sup>1</sup>)

*(Application for annulment of a letter of the Commission — Refusal to pay interest on a sum refunded — Concept of act confirming an earlier act — Payment of the principal sum without interest — No earlier decision to refuse)*

(2005/C 45/12)

(Language of the case: English)

In Case C-123/03 P: appeal under Article 56 of the Statute of the Court of Justice, lodged on 19 March 2003, by the **Commission of the European Communities** (Agents: K. Wiedner), the other party to the proceedings being: **Greencore Group plc**, established in Dublin (Ireland), (Represented by: A. Böhlke) – the Court (Second Chamber), composed of: C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur), J.-P. Puissochet, N. Colneric and J.N. Cunha Rodrigues, Judges; F.G. Jacobs, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 9 December 2004, in which it:

1. Sets aside the order of the Court of First Instance of the European Communities of 7 January 2003 in Case T-135/02 Greencore Group v Commission;
2. Rejects the plea of inadmissibility raised by the Commission of the European Communities;
3. Reserves the costs.

(<sup>1</sup>) OJ C 112 of 10.5.2003.