

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.

(¹) 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 (¹)

(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.

(¹) 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 (¹)

(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.

(¹) OJ C 112 of 10.5.2003.