

JUDGMENT OF THE COURT

(Second Chamber)

of 14 April 2005

in Case C-104/02: Commission of the European Communities v Federal Republic of Germany ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Regulations (EEC) Nos 2913/92 and 2454/93 — External Community transit procedure — Customs authorities — Procedures for collecting import duties — Time-limits — Non-compliance — Community own resources — Making available — Time-limit — Non-compliance — Default interest — Member State concerned — Default on payment)

(2005/C 132/02)

(Language of the case: German)

In Case C-104/02, Commission of the European Communities (Agent: G. Wilms) v Federal Republic of Germany (Agents: W. D. Plessing and R. Stüwe, assisted by D. Sellner), supported by Kingdom of Belgium, (Agent: A. Snoecx) — action under Article 226 EC for failure to fulfil obligations, brought on 20 March 2002 — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, R. Schintgen and J.N. Cunha Rodrigues (Rapporteur), Judges; C. Stix-Hackl, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, gave a judgment on 14 April 2005, in which it:

1. Declares that by making own resources available to the Community too late, the Federal Republic of Germany has failed to fulfil its obligations under Article 49 of Commission Regulation (EEC) No 1214/92 of 21 April 1992 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure and Article 379 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, read together with Article 2(1) 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;
2. Dismisses the remainder of the action;
3. Orders the Federal Republic of Germany to pay the costs;
4. Orders the Kingdom of Belgium to bear its own costs.

⁽¹⁾ OJ C 131 of 01.06.2002.

JUDGMENT OF THE COURT

(Third Chamber)

of 17 March 2005

in Case C-437/02: Commission of the European Communities against Republic of Finland ⁽¹⁾

(Failure of a Member State to fulfil obligations — Fisheries — Regulations (EEC) Nos 3760/92 and 2847/93 — Conservation and management of fishery resources — Control measures for fishing activities)

(2005/C 132/03)

(Language of the case: Finnish)

In Case C-437/02, Commission of the European Communities (Agents: T. van Rijn and M. Huttunen) against Republic of Finland (Agents: T. Pynnä and E. Kourula) — action for failure to fulfil obligations under Article 226 EC, brought on 3 December 2002 — the Court (Third Chamber), composed of A. Rosas, President of the Chamber, A. Borg Barthet, A. La Pergola, J.-P. Puissechet (Rapporteur) and A. Ó Caoimh, Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, gave a judgment on 17 March 2005, in which it:

1. Declares that, by failing, for the fishing years 1995 and 1996:
 - to enact appropriate detailed rules for the use of the fishing rights allocated to it and to carry out the inspections and other checks required by the applicable Community legislation;
 - to prohibit provisionally fishing within the appropriate periods in order to avoid exhausting the quotas, and
 - to institute the criminal or administrative measures which it was obliged to take against masters of vessels who infringed the rules relating to the common fisheries policy and against all other persons responsible for such infringements,

the Republic of Finland has failed to fulfil its obligations under Article 9(2) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture, and Articles 2, 21(1) and (2) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy.

2. Orders the Republic of Finland to pay the costs.

⁽¹⁾ OJ C 31 of 08.02.2003.