

JUDGMENT OF THE COURT

(Grand Chamber)

of 21 July 2005

in Case C-349/03: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 77/799/EEC — Mutual assistance by the competent authorities — Fields of VAT and excise duties — Partial transposition — Territory of Gibraltar)

(2005/C 217/16)

(Language of the case: English)

In Case C-349/03: Commission of the European Communities (Agent: R. Lyal), supported by: Kingdom of Spain (Agent: N. Díaz Abad) v United Kingdom of Great Britain and Northern Ireland (Agents: K. Manji and R. Caudwell, assisted by D. Wyatt QC) — action under Article 226 EC for failure to fulfil obligations, brought on 7 August 2003 — the Court (Grand Chamber), composed of V. Skouris, President, P. Jann, A. Rosas, R. Silva de Lapuerta and A. Borg Barthet, Presidents of Chambers, R. Schintgen, N. Colneric (Rapporteur), S. von Bahr, J.N. Cunha Rodrigues, G. Arestis, M. Ilešič, J. Malenovský and J. Klučka, Judges; A. Tizzano, Advocate General; R. Grass, Registrar, gave a judgment on 21 July 2005, in which it:

1. Declares that, by failing to implement in the territory of Gibraltar, in the fields of value added tax and excise duties, Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct and indirect taxation, as amended by Council Directive 79/1070/EEC of 6 December 1979 and by Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under the EC Treaty;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs;

3. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 239 of 04.10.2003.

JUDGMENT OF THE COURT

(Second Chamber)

of 7 July 2005

in Case C-364/03: Commission of the European Communities v Hellenic Republic ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Directive 84/360/EEC — Atmospheric pollution — Industrial plant — Electricity power station)

(2005/C 217/17)

(Language of the case: Greek)

In Case C-364/03, action under Article 226 EC for failure to fulfil obligations, brought on 22 August 2003, **Commission of the European Communities** (Agents: G. Valero Jordana and M. Konstantinidis) v **Hellenic Republic** (Agent: E. Skandalou), the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, R. Silva de Lapuerta, R. Schintgen (Rapporteur), P. Kūris and G. Arestis, Judges; A. Tizzano, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, gave a judgment on 7 July 2005, in which it:

1. Declares that, by not defining the policies or strategies for progressively adapting in line with the best available technology the steam turbine units and the gas turbine units of the power station operated by the Dimosia Epicheirisi Ilektrismou (public electricity undertaking) situated in Linoperamata on the Island of Crete, the Hellenic Republic has failed to fulfil its obligations under Article 13 of Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants;