

JUDGMENT OF THE COURT

(First Chamber)

of 24 November 2005

in Joined Cases C-138/03, C-324/03 and C-431/03: Italian Republic v Commission of the European Communities ⁽¹⁾

(Action for annulment — Structural funds — Co-financing — Regulations (EC) No 1260/1999 and No 1685/2000 — Conditions concerning the eligibility of payments on account made by national bodies within the framework of State aid schemes)

(2006/C 36/04)

(Language of the case: Italian)

In Joined Cases C-138/03, C-324/03 and C-431/03: actions for annulment under Article 230 EC, brought on 27 March 2003 (C-138/03), 24 July 2003 (C-324/03) and 9 October 2003 (C-431/03), **Italian Republic** (Agent: I.M. Braguglia, assisted by A. Cingolo, avvocato dello Stato) v **Commission of the European Communities** (Agents: E. de March and L. Flynn, assisted by A. Dal Ferro, avvocato), the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Schiemann, N. Colneric, J.N. Cunha Rodrigues (Rapporteur) and E. Levits, Judges; J. Kokott, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, gave a judgment on 24 November 2005, in which it:

1. Declares it unnecessary to give judgment on the action in Case C-138/03;
2. Dismisses the action in Case C-324/03;
3. Dismisses the action in Case C-431/03 as inadmissible;
4. Orders the Commission of the European Communities to pay the costs relating to Case C-138/03;
5. Orders the Italian Republic to pay the costs relating to Cases C-324/03 and C-431/03.

⁽¹⁾ OJ C 135 of 7.6.2003
OJ C 226 of 20.9.2003
OJ C 304 of 13.12.2003.

JUDGMENT OF THE COURT

(First Chamber)

of 8 December 2005

in Case C-220/03: European Central Bank v Federal Republic of Germany ⁽¹⁾

(Protocol on the Privileges and Immunities of the European Communities — Agreement on the seat of the European Central Bank — Arbitration clause — Immovable property leased by the ECB — Indirect taxes passed on in leasing or letting charges)

(2006/C 36/05)

(Language of the case: German)

In Case C-220/03: Action under Article 238 EC, brought on 21 May 2003, **European Central Bank** (Agents: C. Zilioli and M. Benisch, assisted by H.-G. Kamann and M. Selmayr, Rechtsanwälte) v **Federal Republic of Germany** (Agent: U. Forsthoff, assisted by W. Hölter, Rechtsanwalt) — the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Schiemann (Rapporteur), K. Lenaerts, E. Juhász and M. Ilešič, Judges; C. Stix Hackl, Advocate General; K. Sztranc, Administrator, for the Registrar, gave a judgment on 8 December 2005, in which it:

1. Dismisses the action;
2. Orders the European Central Bank to pay the costs.

⁽¹⁾ OJ C 200, 23.8.2003.