Re:

Appeal against the judgment of the Court of First Instance (Fifth Chamber) of 30 May 2006 in Case T-87/94 *J.C. Blom* v *Council and Commission* by which the Court dismissed an application for compensation under Article 178 of the EC Treaty (now Article 235 EC) and the second paragraph of Article 215 of the EC Treaty (now the second paragraph of Article 288 EC) for the loss allegedly suffered as a result of the applicant's being prevented from marketing milk pursuant to Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector (OJ 1984 L 90, p. 13), as amended by Commission Regulation (EEC) No 1371/84 of 16 May 1984 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation No 804/68 (OJ 1984 L 132, p. 11)

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Mr Blom to pay the costs.*

[1] OJ C 261 of 28.10.2006.

Judgment of the Court (Second Chamber) of 18 October 2007 (reference for a preliminary ruling from the Gerechtshof te Amsterdam (Netherlands)) — J.A. van der Steen v Inspector van de Belastingdienst Utrecht-Gooi/kantoor Utrecht

(Case C-355/06) [1]

(Sixth VAT Directive — Independent economic activity — Private limited company — Company's activities carried out by a natural person as sole director, sole shareholder and sole member of staff)

(2007/C 315/31)

Language of the case: Dutch

Referring court

Gerechtshof te Amsterdam

Parties to the main proceedings

Applicant: J.A. van der Steen

Defendant: Inspector van de Belastingdienst Utrecht-Gooi/kantoor Utrecht

Re:

Reference for a preliminary ruling — Gerechtshof te Amsterdam — Interpretation of Article 4(1) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Meaning of independent economic activity — Natural person having the sole activity of actually carrying out all the work of a private limited company as sole director, shareholder and member of staff.

Operative part of the judgment

For the purposes of the application of the second paragraph of Article 4(4) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, a natural person carrying out all work in the name and on behalf of a company that is a taxable person pursuant to a contract of employment binding him to that company of which he is also the sole shareholder, the sole manager and the sole member of staff, is not himself a taxable person within the meaning of Article 4(1) of that Directive.

[1] OJ C 294, 2.12.2006.

Judgment of the Court (Fifth Chamber) of 25 October 2007 — Commission of the European Communities v Hellenic Republic

(Case C-440/06) [1]

(Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Pollution and nuisance — Treatment of urban waste water — Articles 3 and 4)

(2007/C 315/32)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: S. Pardo Quintillán and M. Konstantinidis, Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, Agent)

Re:

Failure of a Member State to fulfil obligations — Breach of Articles 3 and 4 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water (OJ 1991 L 135, p. 40) — Failure to have ensured appropriate treatment of urban waste water in 24 agglomerations

Operative part of the judgment

The Court:

1. *Declares that, by failing to ensure that the agglomerations of Artemida, Chrysoupoli, Igoumenitsa, Heraklion (Crete), Katerini, Koropi, Lefkimmi, Litochoro (Prieria), Malia, Markopoulo, Megara, Nea Kidonia (Crete), Navpaktos, Nea Makri, Parikia (Paros), Poros-Galatas, Rafina, Thessaloniki (tourist zone), Tripoli, Zakynthos, Alexandria (Imathia), Edessa and Kalymnos are, where appropriate, provided with collecting systems for urban waste water meeting the requirements of Article 3 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water and/or urban waste water treatment systems satisfying the requirements of Article 4 of that directive, the Hellenic Republic has failed to fulfil its obligations under those articles;*

2. *Dismisses the remainder of the action;*

3. *Orders the Hellenic Republic to pay the costs.*

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[1] OJ C 310, 16.12.2003.

Judgment of the Court (Fourth Chamber) of 18 October 2007 — Commission of the European Communities v French Republic

(Case C-441/06) [1]

(State aid — Duty of recovery — Duty of cooperation)

(2007/C 315/33)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: C. Giolito, acting as Agent)

Defendant: French Republic (represented by: G. de Bergues and S. Ramet, Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to give effect, within the prescribed period, to Commission Decision 2005/709/EC of 2 August 2004 on the State aid implemented by France for France Télécom (OJ 2005 L 269, p. 30) — Breach of Articles 2 and 3 of the decision and Article 10 EC and the fourth paragraph of Article 249 EC — Obligation to recover aid deemed illegal — Practical difficulties in calculating the precise amount of the aid to be recovered and the existence of an application brought against the decision of the Commission declaring the aid illegal have no impact on that obligation

Operative part of the judgment

The Court:

1. *Declares that, by failing to give effect, within the prescribed period, to Commission Decision 2005/709/EC of 2 August 2004 on the State aid implemented by France for France Télécom, the French Republic has failed to fulfil its obligations under Articles 2 and 3 of that decision, the fourth paragraph of Article 249 EC and Article 10 EC;*

2. *Orders the French Republic to pay the costs.*

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[1] OJ C 310, 16.12.2006.

Judgment of the Court (Third Chamber) of 18 October 2007 (reference for a preliminary ruling from the Korkein hallinto-oikeus, Finland) — Proceedings brought by Avena Nordic Grain Oy

(Case C-464/06) [1]

(Agriculture — System of export refunds on agricultural products — Regulation (EC) No 800/1999 — Article 5 — Lodging the export declaration — Transmission by fax)

(2007/C 315/34)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant Avena Nordic Grain Oy

Re:

Reference for a preliminary ruling — Korkein hallinto-oikeus — Interpretation of Article 5(5) of Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products (OJ 1999 L 102, p. 11) — Failure to take account of an export declaration sent by fax, the original not reaching the authorities concerned until after loading operations — Principles of proportionality and good administration