

**Judgment of the Court (Grand Chamber) of 31 October 2019 — European Commission v United Kingdom of Great Britain and Northern Ireland**

(Case C-391/17) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Own resources — Association of the Overseas Countries and Territories (OCT) with the European Union — Decision 91/482/EEC — Article 101(2) — Acceptance for import into the European Union free of customs duties of products not originating in the OCT but which are in free circulation in an OCT and are re-exported as such to the European Union — Export certificates EXP — Wrongful issue of certificates by the authorities of an OCT — Article 4(3) TEU — Principle of sincere cooperation — Liability of the Member State having special relations with the OCT concerned — Obligation to compensate the loss of the European Union's own resources caused by the wrongful issue of export certificates EXP — Imports of aluminium from Anguilla)*

(2019/C 432/03)

Language of the case: English

**Parties**

*Applicant:* European Commission (represented by: A. Caeiros, J.-F. Brakeland, L. Flynn and S. Noë, acting as Agents)

*Defendant:* United Kingdom of Great Britain and Northern Ireland (represented initially by J. Kraehling, G. Brown, R. Fadoju and S. Brandon, acting as Agents, and by K. Beal QC and P. Luckhurst, Barristers, and subsequently by S. Brandon and F. Shibli, acting as Agents, and by K. Beal QC and P. Luckhurst, Barristers)

*Intervener in support of the defendant:* Kingdom of the Netherlands (represented by: M.K. Bulterman, P. Huurnink and J. Langer, acting as Agents)

**Operative part of the judgment**

The Court:

1. Declares that, by failing to compensate the loss of own resources resulting from the wrongful issue, in the light of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community, by the authorities of Anguilla, of export certificates EXP in respect of the imports of aluminium from Anguilla during the period 1999/2000, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Article 4(3) TEU;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs;
3. Orders the Kingdom of the Netherlands to bear its own costs.

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<sup>(1)</sup> OJ C 318, 25.9.2017.