

Defendant: Kingdom of Spain (represented by: B. Plaza Cruz, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 1(3) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9) and Article 18(a) of Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18) maintained by Article 27(1) of Directive 2003/88, read in conjunction with Annex I, Part B, of the same directive — Non-civilian personnel in public authorities

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, in respect of non-civilian personnel in public authorities, the Kingdom of Spain has failed to fulfil its obligations under Article 1(3) of that directive;
2. Orders the Kingdom of Spain to bear the costs.

⁽¹⁾ OJ C 180 of 1.8.2009.

Judgment of the Court (Third Chamber) of 20 May 2010 (reference for a preliminary ruling from the Simvoulio tis Epikratias (Greece)) — Ioannis Katsivardas — Nikolaos Tsitsikas OE v Ipourgos Ikonomikon

(Case C-160/09) ⁽¹⁾

(Regulation (EEC) No 1591/84 — Cooperation Agreement between the European Economic Community, of the one part, and the Cartagena Agreement and the member countries thereof, Bolivia, Colombia, Ecuador, Peru and Venezuela, of the other part — Most-favoured-nation clause — Direct effect — Excise duty on the import of bananas into Greece)

(2010/C 179/20)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: Ioannis Katsivardas — Nikolaos Tsitsikas OE

Defendant: Ipourgos Ikonomikon

Re:

Reference for a preliminary ruling — Simvoulio tis Epikratias — Interpretation of Article 4 of Council Regulation (EEC) No 1591/84 of 4 June 1984 concerning the conclusion of the Cooperation Agreement between the European Economic Community, of the one part, and the Cartagena Agreement and the member countries thereof — Bolivia, Colombia, Ecuador, Peru and Venezuela — of the other part (OJ 1984 L 153, p. 1) — Most-favoured-nation clause — Right of an individual seeking the refund of domestic tax to rely on the agreement in order to demonstrate the tax's incompatibility with the agreement — Banana import regime

Operative part of the judgment

Article 4 of the Cooperation Agreement concluded between the European Economic Community, of the one part, and the Cartagena Agreement and the member countries thereof — Bolivia, Colombia, Ecuador, Peru and Venezuela — of the other part, approved by Council Regulation (EEC) No 1591/84 of 4 June 1984, is not such as to confer on individuals rights upon which they might rely before the courts of a Member State.

⁽¹⁾ OJ C 153, 4.7.2009.

Judgment of the Court (Third Chamber) of 20 May 2010 (reference for a preliminary ruling from the Cour administrative d'appel de Nantes (France)) — Scott SA, Kimberly Clark SNC, now Kimberly Clark SAS v Ville d'Orléans

(Case C-210/09) ⁽¹⁾

(State aid — Regulation (EC) No 659/1999 — Article 14(3) — Recovery of aid — Principle of effectiveness — Assessments vitiated by a procedural defect — Annulment)

(2010/C 179/21)

Language of the case: French

Referring court

Cour administrative d'appel de Nantes