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(Information)

COURT OF JUSTICE

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JUDGMENT OF THE COURT

(Second Chamber)

of 28 October 2004

in Case C-164/01 P G. van den Berg v Council of the European Union and Commission of the European Communities ⁽¹⁾

(Action for damages — Non-contractual liability — Milk — Additional levy — Reference quantity — Producers having entered into a non-marketing undertaking — SLOM producers — Change of holding — Refusal to grant a special reference quantity)

(2005/C 19/01)

(Language of the case: Dutch)

In Case C-164/01 P: appeal under Article 49 of the EC Statute of the Court of Justice brought on 13 April 2001 by G. van den Berg, residing in Dalftsien (Netherlands) (avocat: E.H. Pijnacker Hordijk), the other parties to the procedure being the Council of the European Union (Agent: A.-M. Colaert) and the Commission of the European Communities (Agent: T. van Rijn) – the Court (Second Chamber), composed of: C.W.A. Timmermanns, President of the Chamber, J.-P. Puissechot and N. Colneric (Rapporteur), Judges; C. Stix-Hackl, Advocate General; R. Grass, Registrar, gave a judgment on 28 October 2004, in which it:

1. Dismisses the appeal;

2. Orders Mr van den Berg to pay the costs.

⁽¹⁾ OJ C 227 of 11.8.2001.

JUDGMENT OF THE COURT

(Third Chamber)

of 2 December 2004

in Case C-41/02: Commission of the European Communities v Kingdom of the Netherlands ⁽¹⁾

(Failure of a Member State to fulfil obligations — Articles 30 and 36 of the EC Treaty (now, after amendment, Articles 28 EC and 30 EC) — Foodstuffs to which vitamins or mineral salts have been added — National legislation making their marketing subject to there being a nutritional need — Measures having equivalent effect — Justification — Public health — Proportionality)

(2005/C 19/02)

(Language of the case: Dutch)

In Case C-41/02: action under Article 226 EC for failure to fulfil obligations, brought on 13 February 2002, Commission of the European Communities (Agents: H. van Lier and H.M.H. Speyart) against Kingdom of the Netherlands (Agents: H.G. Sevenster and S. Terstal) – the Court (Third Chamber), composed of: A. Rosas, President of the Chamber, A. Borg Barthet, J.-P. Puissechot, J. Malenovský (Rapporteur) and U. Löhmus, Judges; M. Póiares Maduro, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 2 December 2004 in which it: