JUDGMENT OF THE COURT
14 March 1990 *

In Case C-137/89

Commission of the European Communities, represented by Guido Berardis, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, also a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

applicant,

v

Italian Republic, represented by Professor Luigi Ferrari Bravo, Head of the Legal Department at the Ministry of Foreign Affairs, acting as Agent, assisted by Ivo Braguglia, avvocato dello Stato, with an address for service in Luxembourg at the Italian Embassy, 5, rue Marie-Adélaïde,

defendant,

APPLICATION for a declaration that by charging importers of live animals from other Member States the cost of telegrams which, pursuant to national legislation, veterinary inspectors at customs posts send to the competent national veterinary and health authorities, the Italian Republic has failed to fulfil its obligations under Article 12 *et seq.* of the EEC Treaty,

THE COURT

composed of: O. Due, President, C. N. Kakouris and F. A. Schockweiler (Presidents of Chambers), R. Joliet, T. F. O'Higgins, G. C. Rodríguez Iglesias and M. Díez de Velasco, Judges;

(the grounds of the judgment are not reproduced)

* Language of the case: Italian.

declares as follows:

(1) By charging importers of live animals from other Member States the cost of telegrams which, pursuant to national rules, veterinary inspectors at customs posts send to the competent national veterinary and health authorities, the Italian Republic has failed to fulfil its obligations under Article 12 *et seq.* of the EEC Treaty.

(2) The Italian Republic is ordered to pay the costs.