Judgment of the Court (Fifth Chamber) of 7 December 2006 — Commission v Italy

(Case C-161/05)

Failure of a Member State to fulfil obligations — Regulation (EEC) No 2847/93 — Control system applicable to the common fisheries policy — Data concerning the species and quantities landed of fish — Failure to notify

1. *Actions for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 10)*

2. *Member States — Obligations under Community law — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 12)*

Re:

Failure of a Member State to fulfil obligations — Breach of Articles 15(4) and 18(1) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy (OJ 1993 L 261, p. 1) — Failure to notify the data concerning the species and quantities of fish caught.

Operative part

1. By failing to notify the data referred to in Articles 15(4) and 18(1) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy for 1999 and 2000, the Italian Republic has failed to fulfil its obligations under those provisions;

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