Procedure — Revision of a judgment — Conditions for the admissibility thereof — New fact — Meaning — Fact known before delivery of the judgment — Not included — Inadmissible (Statute of the Court of Justice, Art. 44) (see paras 15-18)

Re:

APPLICATION of revision concerning the Order of the Court (Sixth Chamber) of 14 December 2006 in Case C-12/05 P.

Operative part

1. The application for revision brought by Mr Meister is dismissed as inadmissible;

2. Mr Meister and the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) are each ordered to bear their own costs.

Judgment of the Court (Third Chamber) of 29 November 2007 — Commission v Italy

(Case C-119/06)

Failure of a Member State to fulfil obligations — Infringement of Directive 92/50/EEC relating to the coordination of procedures for the award of public service contracts — Award of a contract without a call for tenders — Award of the contract for healthcare transport services in Tuscany

1. *Approximation of laws — Procedures for awarding public service contracts — Directive 92/50 — Scope (Council Directive 92/50) (see paras 34-52)*

2. *Actions for failure to fulfil obligations — Proof of failure — Burden of proof on the Commission (Art. 226 EC) (see paras 57, 65, 66)*

3. *Approximation of laws — Procedures for awarding public service contracts — Directive 92/50 — Award of contracts (Arts 43 EC and 49 EC; Council Directive 92/50) (see paras 63, 64)*

Re:

FAILURE of a Member State to fulfil obligations — Infringement of Articles 11, 15 and 17 of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ 1992 L 209, p. 1) — Award of a contract without publication of the appropriate notice — Award of the contract for healthcare transport services in Tuscany.

Operative part

1. Action dismissed;

2. The Commission of the European Communities is ordered to pay the costs.