Provision forming part of a legislative framework which allows use of the negotiated procedure for public supply contracts in respect of whole groups of products of that nature which are not comparable.

Operative part

The Court:

1. Declares that, by retaining in force Article 7(2) of Law 2955/2001 relating to the 'Supplies of hospitals and other health units of regional health and pension schemes and other provisions' and Joint Ministerial Decisions DY6a/oik.38611 and DY6a/oik.38609 of 12 April 2005, the Hellenic Republic has failed to fulfil its obligations under Article 6(3) of Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, as amended by Commission Directive 2001/78/EC of 13 September 2001 and has infringed general principles of the Treaty, in particular equal treatment and the obligation of transparency;

2. Orders the Hellenic Republic to pay the costs.

Judgment of the Court (Eighth Chamber) of 18 December 2007 — Commission v Italy

(Case C-85/07)

Failure of a Member State to fulfil obligations — Directive 2000/60/EC — Articles 5(1) and 15(2) — Community action in the field of water policy — River basin district — Summary report and analyses — Communication thereof — None

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. 13)

Re:

FAILURE of a Member State to fulfil obligations — Infringement of Articles 5(1) and 15(2) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ 2000 L 327, p. 1) — Failure to submit summary reports on the analyses required under Article 5 as regards certain river basin districts — Failure to carry out the analyses and studies provided for in Article 5(1) of that directive.

Operative part

The Court:

1. Declares that, in respect of the pilot river basin district of the River Serchio and a part of the river basin districts of the Eastern Alps and the Northern, Central and Southern Apennines, by failing to submit a summary report on the analyses required under Article 5(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, as provided for in Article 15(2) thereof, and by failing to carry out the analyses and the study referred to in Article 5(1) thereof, the Italian Republic has failed to fulfil its obligations under Articles 5(1) and 15(2) of that directive;

2. Orders the Italian Republic to pay the costs.