JUDGMENT OF THE COURT
27 March 1990 *

In Case C-10/88

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

applicant,

v

Commission of the European Communities, represented by its Legal Advisers, Peter Karpenstein and Giuliano Marenco, acting as Agents, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

defendant,

APPLICATION for a declaration that Commission Decision 87/541/EEC of 21 October 1987 amending Decisions 87/468/EEC and 87/469/EEC on the clearance of the accounts presented by the Member States in respect of the EAGGF, Guarantee Section, expenditure for 1984 and 1985 (Official Journal L 324, p. 32) is partly void,

THE COURT

composed of: Sir Gordon Slynn, President of Chamber acting as President of the Court, C. N. Kakouris (President of Chamber), T. Koopmans, G. F. Mancini, 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.

hereby:

(1) Declares void Commission Decision 87/541/EEC of 21 October 1987 amending Decisions 87/468/EEC and 87/469/EEC on the clearance of the accounts presented by the Member States in respect of the European Agricultural Guidance and Guarantee Fund, Guarantee Section, expenditure for 1984 and 1985, in so far as the Commission refused to charge to the EAGGF for 1985 an amount of LIT 19 045 553 222 presented by the Italian Republic in respect of payments of birth premiums for calves (1983/1984);

(2) Orders the Commission to pay the costs.