

Pleas in law and main arguments

Under Article 8(2) of Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise, the Slovak Republic was to ensure that action plans were drawn up for major road sections (roads with more than three million vehicle passages per year) and major rail sections (railways with more than 30000 train passages per year) within its territory by 18 July 2013. Under Article 10(2) of that directive, in conjunction with Annex VI thereto, the Slovak Republic was then to ensure that the summaries of the action plans were sent to the Commission by 18 January 2014.

The Slovak Republic has failed to fulfil its obligations stemming from Article 8(2) and Article 10(2) of the Directive, in conjunction with Annex VI thereto, so far as concerns 445 major road sections and 16 major rail sections which it had previously notified to the Commission.

⁽¹⁾ OJ 2002 L 189, p. 12.

Action brought on 21 December 2020 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-692/20)

(2021/C 53/38)

Language of the case: English

Parties

Applicant: European Commission (represented by: A. Armenia, P.-J. Loewenthal, Agents)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claims that the Court should:

- declare that, by failing to take the necessary measures to comply with the judgment of this Court in Case C-503/17, *Commission v United Kingdom*, EU:C:2018:831, the United Kingdom has failed to fulfil its obligations under Article 260(1) of the Treaty on the Functioning of the European Union, read in conjunction with Articles 127 and 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ⁽¹⁾;
- order the United Kingdom, pursuant to Article 260(2) of the Treaty on the Functioning of the European Union, read in conjunction with Articles 127 and 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, to pay to the Commission:
- a penalty payment of EUR 268 878,50 per day from the date of the judgment in the present proceedings until the date that the United Kingdom complies with the judgment in Case C-503/17;
- a lump sum of EUR 35 873,20 multiplied by the number of days between the date on which the judgment in Case C-503/17 was rendered and either the date on which the United Kingdom complies with that judgment or the date of the judgment in the present proceedings, whichever is earlier, with a minimum lump sum of EUR 8 901 000; and
- order the United Kingdom to pay the costs.

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By judgment in Case C-503/17, *Commission v United Kingdom*, EU:C:2018:831, the Court of Justice found that the United Kingdom, by failing to remove the entitlement of private pleasure craft to use marked fuel for propulsion, failed to fulfil its obligations under Council Directive ⁽²⁾ 95/60/EC of 27 November 1995 on fiscal marking of gas oils and kerosene. As the United Kingdom has not taken the necessary measures to comply with that judgement, the Commission decided to refer the matter to the Court of Justice.

In its application the Commission proposes, in accordance with Article 260 TFEU read in conjunction with Articles 127 and 131 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, that the Court imposes on the United Kingdom a penalty payment of EUR 268 878,50 per day from the date of the judgment in the present proceedings until the date that the United Kingdom complies with the judgment in Case C-503/17 and a lump sum of EUR 35 873,20 multiplied by the number of days between the date on which the judgment in Case C-503/17 was rendered and either the date on which the United Kingdom complies with that judgment or the date of the judgment in the present proceedings, whichever is earlier, with a minimum lump sum of EUR 8 901 000.

⁽¹⁾ OJ 2019, C 384 I, p. 1.

⁽²⁾ OJ 1995, L 291, p. 46.
