

'By failing, within the period prescribed, to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC, the Kingdom of Sweden has failed to fulfil its obligations under that directive.'

The Kingdom of Sweden has still not adopted any measures to comply with the judgment of the Court in Case C-185/09. The Commission has therefore brought proceedings in accordance with Article 260(2) of the Treaty on the Functioning of the European Union and claims that the Kingdom of Sweden should pay financial penalties.

**Reference for a preliminary ruling from High Court of Ireland (Ireland) made on 6 June 2011 — MM v Minister for Justice, Equality and Law Reform, Ireland, Attorney General**

(Case C-277/11)

(2011/C 226/34)

*Language of the case: English*

**Referring court**

High Court of Ireland

**Parties to the main proceedings**

*Applicant:* MM

*Defendants:* Minister for Justice, Equality and Law Reform, Ireland, Attorney General

**Question referred**

1. In a case where an applicant seeks subsidiary protection status following a refusal to grant refugee status and it is proposed that such an application should be refused, does the requirement to cooperate with an applicant imposed on a Member State in Article 4(1) of Council Directive 2004/83/EC <sup>(1)</sup> require the administrative authorities of the Member State in question to supply such applicant with the results of such an assessment before a decision is finally made so as to enable him or her to address those aspects of the proposed decision which suggest a negative result?

<sup>(1)</sup> OJ L 304, p. 12

**Action brought on 1 June 2011 — European Commission v Ireland**

(Case C-279/11)

(2011/C 226/35)

*Language of the case: English*

**Parties**

*Applicant:* European Commission (represented by: P. Oliver, Agent)

*Defendant:* 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-66/06 Commission v Ireland, Ireland has failed to fulfil its obligations under Article 260 TFEU;
- order Ireland to pay to the Commission a lump sum of EUR 4 174,8 multiplied by the number of days between the ruling in Case C-66/06 and either compliance by Ireland with that ruling or the judgment in the present proceedings, whichever is the sooner;
- order Ireland to pay to the Commission a penalty payment of EUR 33 080,32 from the date of the judgment in the present proceedings to the date of compliance by Ireland with the ruling in Case C-66/06; and
- order Ireland to pay the costs.

**Pleas in law and main arguments**

Some two and a half years after the Court's judgment of 20 November 2008, in case C-66/06, declaring that Ireland had not adopted measures fully transposing articles 2(1) and 4(2) to (4) of Council directive 85/337/EEC <sup>(1)</sup>, Ireland has still failed to take the measures necessary to comply with that judgment. Therefore, the Commission proposes that Ireland should be ordered to pay a fine and a periodic penalty payment to reflect the serious nature of that infringement and its impact on the pursuit of the objectives pursued by the Community legislature.

<sup>(1)</sup> Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment  
OJ L 175, p. 40