

2. Dismisses the appeal;
3. Orders the Republic of Poland to pay the costs.

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<sup>(1)</sup> OJ C 344, 23.11.2013.

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**Judgment of the Court (Second Chamber) of 19 November 2014 (request for a preliminary ruling from the Supreme Court of the United Kingdom — United Kingdom) — The Queen, on the application of: ClientEarth v The Secretary of State for the Environment, Food and Rural Affairs**

(Case C-404/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Environment — Air quality — Directive 2008/50/EC — Limit values for nitrogen dioxide — Obligation to apply for postponement of the deadline by submitting an air quality plan — Penalties)*

(2015/C 026/07)

Language of the case: English

**Referring court**

Supreme Court of the United Kingdom

**Parties to the main proceedings**

*Applicant:* The Queen, on the application of: ClientEarth

*Defendant:* The Secretary of State for the Environment, Food and Rural Affairs

**Operative part of the judgment**

1. Article 22(1) of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe must be interpreted as meaning that, in order to be able to postpone by a maximum of five years the deadline specified by the directive for achieving conformity with the limit values for nitrogen dioxide specified in Annex XI thereto, a Member State is required to make an application for postponement and to establish an air quality plan when it is objectively apparent, having regard to existing data, and notwithstanding the implementation by that Member State of appropriate pollution abatement measures, that conformity with those values cannot be achieved in a given zone or agglomeration by the specified deadline. Directive 2008/50 does not contain any exception to the obligation flowing from Article 22(1);
2. Where it is apparent that conformity with the limit values for nitrogen dioxide established in Annex XI to Directive 2008/50 cannot be achieved in a given zone or agglomeration of a Member State by 1 January 2010, the date specified in that annex, and that Member State has not applied for postponement of that deadline under Article 22(1) of Directive 2008/50, the fact that an air quality plan which complies with the second subparagraph of Article 23(1) of the directive has been drawn up, does not, in itself, permit the view to be taken that that Member State has nevertheless met its obligations under Article 13 of the directive;
3. Where a Member State has failed to comply with the requirements of the second subparagraph of Article 13(1) of Directive 2008/50 and has not applied for a postponement of the deadline as provided for by Article 22 of the directive, it is for the national court having jurisdiction, should a case be brought before it, to take, with regard to the national authority, any necessary measure, such as an order in the appropriate terms, so that the authority establishes the plan required by the directive in accordance with the conditions laid down by the latter.

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<sup>(1)</sup> OJ C 274, 21.9.2013.