

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Second Chamber) of 20 November 2008 — Commission of the European Communities v Ireland(Case C-66/06) ⁽¹⁾**(Failure of a Member State to fulfil obligations — Directive 85/337/EEC — Assessment of the effects of projects on the environment — Consent given without an assessment)**

(2009/C 6/02)

Language of the case: English

Parties*Applicant:* Commission of the European Communities (represented by: F. Simonetti and X. Lewis, acting as Agents, F. Louis, avocat, and C. O'Daly, Solicitor)*Defendant:* Ireland (represented by: D. O'Hagan, acting as Agent, J. Connolly SC and G. Simons BL)*Intervener in support of the defendant:* Republic of Poland (represented by: E. Ośniecka-Tamecka, acting as Agent)**Re:**

Failure of a Member State to fulfil obligations — Infringement of Articles 2(2) and 4(2) to (4) of 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 1985 L 175, p. 40), as amended by Directive 97/11/EC of 3 March 1997 (OJ 1997 L 73, p. 5) — Consent given without an assessment

Operative part of the judgment*The Court:*

1. Declares that, by not adopting, in conformity with Articles 2(1) and 4(2) to (4) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997, all measures to ensure that, before

consent is given, projects likely to have significant effects on the environment that belong to the categories of projects covered by point 1(a) to (c) and (f) of Annex II to that directive are made subject to a requirement for development consent and to an assessment with regard to their environmental effects in accordance with Articles 5 to 10 of the directive, Ireland has failed to fulfil its obligations under the directive;

2. Orders Ireland to pay the costs of the Commission of the European Communities;

3. Orders the Republic of Poland to bear its own costs.

⁽¹⁾ OJ C 108, 6.5.2006.

Judgment of the Court (Third Chamber) of 20 November 2008 (Reference for a preliminary ruling from the Landgericht Siegen — Germany) — Criminal proceedings against Frank Weber(Case C-1/07) ⁽¹⁾**(Directive 91/439/EEC — Mutual recognition of driving licences — Temporary suspension of a driving licence — Withdrawal of right to drive — Validity of a second driving licence obtained in another Member State during the period of temporary suspension)**

(2009/C 6/03)

Language of the case: German

Referring court

Landgericht Siegen

Party in the main proceedings

Frank Weber

Re:

Reference for a preliminary ruling — Landgericht Siegen — Interpretation of Article 8(2) and (4) of Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ 1991 L 237, p. 1) — Non-recognition by the Member State of residence, in its territory, of a driving licence obtained in another Member State during a driving ban before the administrative withdrawal of the right to drive by the Member State of residence

Operative part of the judgment

Articles 1(2) and 8(2) and (4) of Council Directive 91/439/EEC of 29 July 1991 on driving licences must be interpreted as meaning that a Member State is not precluded from refusing to recognise, in its territory, a right to drive under a driving licence issued by another Member State to a person whose right to drive was withdrawn, in the territory of the first Member State, even though that withdrawal was ordered after the issue of that driving licence, provided that the licence was obtained during a period in which a licence issued in the first Member State was suspended and both the suspension and the withdrawal are based on grounds existing at the date of issue of the second driving licence.

(¹) OJ C 42, 24.2.2007.

Judgment of the Court (Second Chamber) of 20 November 2008 — Heuschen & Schrouff Oriental Foods Trading BV v Commission of the European Communities

(Case C-38/07 P) (¹)

(Appeal — Remission of import duties — Commission decision — Article 239 of the Customs Code — Existence of a special situation — Absence of deception — Obvious negligence on the part of the importer)

(2009/C 6/04)

Language of the case: Dutch

Parties

Appellant: Heuschen & Schrouff Oriental Foods Trading BV (represented by: H. de Bie, advocaat)

Other party to the proceedings: Commission of the European Communities (represented by: X. Lewis, acting as Agent, assisted by F. Tuytschaever, advocaat)

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 30 November 2006 in Case T-382/04 *Heuschen & Schrouff Oriental Foods v Commission*, by which the Court of First Instance dismissed an application for annulment of Commission Decision REM 19/2002 of 17 June 2004 finding that remission of import duties was not justified in a particular case

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders *Heuschen & Schrouff Oriental Foods Trading BV* to pay the costs.

(¹) OJ C 82, 14.4.2007.

Judgment of the Court (Fourth Chamber) of 13 November 2008 — Commission of the European Communities v Italian Republic

(Case C-46/07) (¹)

(Failure of Member State to fulfil its obligations — Article 141 EC — Social Policy — Equal pay for male and female workers — Concept of ‘pay’ — Officials’ retirement scheme)

(2009/C 6/05)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: L. Pignataro-Nolin and M. van Beek, acting as Agents)

Defendant: Italian Republic (represented by: I. Braguglia, Agent and G. Fiengo and W. Ferrante, Lawyers)

Re:

Failure of Member State to fulfil its obligations — Infringement of Article 141 EC — Infringement of the principle of equal pay for male and female workers — National legislation providing for a retirement age for public officials which varies according to sex