

**Judgment of the Court (Third Chamber) of 25 March 2010  
— European Commission v Kingdom of Spain**

(Case C-392/08) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 96/82/EC — Control of major-accident hazards involving dangerous substances — Article 11(1)(c) — Obligation to draw up external emergency plans — Time-limit)*

(2010/C 134/06)

Language of the case: Spanish

**Parties**

*Applicant:* European Commission (represented by: S. Pardo Quintillán and A. Sipos, Agents)

*Defendant:* Kingdom of Spain (represented by: B. Plaza Cruz, Agent)

**Re:**

Failure of a Member State to fulfil obligations — Breach of Article 11(1)(c) of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, as amended by Directive 2003/105/EC (OJ 1997 L 10, p. 13) — Failure to draw up certain external emergency plans for the measures to be taken outside the establishment

**Operative part of the judgment**

*The Court:*

1. Declares that, by failing to draw up external emergency plans for all establishments to which Article 9 of Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances applies, the Kingdom of Spain has failed to fulfil its obligations under Article 11(1)(c) thereof;
2. Orders the Kingdom of Spain to pay the costs.

<sup>(1)</sup> OJ C 272, 25.10.2008.

**Judgment of the Court (Second Chamber) of 25 March 2010 — Sviluppo Italia Basilicata SpA v European Commission**

(Case C-414/08 P) <sup>(1)</sup>

*(Appeal — European Regional Development Fund (ERDF) — Reduction of financial assistance — General allocation for the purpose of implementing measures to support small and medium-sized enterprises — Deadline for completion of investment projects — Discretion of the Commission)*

(2010/C 134/07)

Language of the case: Italian

**Parties**

*Appellant:* Sviluppo Italia Basilicata SpA (represented by: F. Sciaudone, R. Sciaudone and A. Neri, avvocati)

*Other party to the proceedings:* European Commission (represented by: L. Flynn, agent, assisted by A. Dal Ferro, avvocato)

**Re:**

Appeal against the judgment of 8 July 2008 in Case T-176/06 *Sviluppo Basilicata v Commission* by which the Court of First Instance (Third Chamber) dismissed its application for, first, annulment of Commission Decision C(2006) 1706 of 20 April 2006 reducing the financial assistance from the European Regional Development Fund in favour of an overall allocation for the purpose of implementing measures to support small and medium-sized enterprises operating in the Basilicata Region of Italy, granted under the Community support framework for Community structural assistance in the regions of Italy covered by Objective 1 and, second, damages for the harm purportedly caused by that decision

**Operative part of the judgment**

*The Court:*

1. Dismisses the appeal.
2. Orders Sviluppo Italia Basilicata SpA to pay the costs.

<sup>(1)</sup> OJ C 301, 22.11.2008.