

Operative part of the judgment

The second indent of Article 5(3) of Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital, as amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, requires that, in determining the amount of capital duty chargeable on an increase in a company's capital arising from the conversion into shares — following the Republic of Poland's accession to the European Union — of loans taken up by that company prior to that accession, account be taken of the previous taxation of those loans on the basis of the national law in force at the material time.

⁽¹⁾ OJ C 327, 20.12.2008.

Judgment of the Court (Sixth Chamber) of 12 November 2009 — Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

(Case C-495/08) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 85/337/EEC — Assessment of the effects of projects on the environment — Obligation to give reasons for a decision not to make a project subject to an assessment)

(2010/C 11/07)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: P. Oliver and J.-B. Laiguelot, Agents)

Defendant: United Kingdom of Great Britain and Northern Ireland (represented by: L. Seeboruth and H. Walker, Agents, and by J. Maurici, Barrister)

Re:

Failure of a Member State to fulfil obligations — Infringement 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) — Requirement to give reasons for a decision not to make a project subject to an assessment

Operative part of the judgment

The Court:

1. Declares that, by failing to make applications for Review of Mineral Planning lodged in Wales prior to 15 November 2000

subject to the requirements of Articles 2(1) and 4(2) 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, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;

2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

⁽¹⁾ OJ C 32, 7.2.2009.

Judgment of the Court (Fourth Chamber) of 12 November 2009 — Le Carbone-Lorraine SA v Commission of the European Communities

(Case C-554/08 P) ⁽¹⁾

(Appeal — Competition — Agreements, decisions and concerted practices — Article 81 EC and Article 53 of the EEA Agreement — Market for electrical and mechanical carbon and graphite products — Article 15(2) of Regulation No 17 — Setting the amount of the fine — Gravity of the infringement — Cooperation during the administrative procedure — Principle of the individual nature of penalties — Equal treatment — Principle of proportionality)

(2010/C 11/08)

Language of the case: French

Parties

Appellant: Le Carbone-Lorraine SA (represented by: A. Winckler and H. Kanellopoulos, avocats)

Other party to the proceedings: Commission of the European Communities (represented by: F. Castillo de la Torre and E. Gippini Fournier, acting as Agents)

Re:

Appeal against the judgment of the Court of First Instance (Fifth Chamber) of 8 October 2008 in Case T-73/04 *Carbone-Lorraine v Commission*, in which the Court dismissed the application brought by the appellant for the annulment of Commission Decision 2004/420/EC of 3 December 2003 relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement concerning an agreement in the market for electrical and mechanical carbon and graphite products, and, in the alternative, annulment or reduction of the fine imposed on the appellant — Breach of the principle of the individual nature of penalties — Method for setting the amount of the fine imposed — Constant and close cooperation during the administrative procedure — Principles of proportionality and of equal treatment