

Reference for a preliminary ruling from the Hoge Raad der Nederlanden lodged on 1 July 2009 — Handelsmaatschappij J. van Hilst and Others v The Jaguar Collection Limited and Others

(Case C-238/09)

(2009/C 312/15)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicants: Handelsmaatschappij J. van Hilst and Others

Defendants: The Jaguar Collection Limited and Others

By order of 20 July 2009 the case was removed from the Register of the Court of Justice

Action brought on 12 August 2009 — Commission of the European Communities v Republic of Poland

(Case C-326/09)

(2009/C 312/16)

Language of the case: Polish

Parties

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

Defendant: Republic of Poland

Form of order sought

— declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services,⁽¹⁾ and in any event by not informing the Commission of the adoption of those provisions, the Republic of Poland has failed to fulfil its obligations under that directive;

— order the Republic of Poland to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of Directive 2004/113 expired on 21 December 2007.

⁽¹⁾ OJ 2004 L 373, p. 37.

Action brought on 17 August 2009 — Commission of the European Communities v Republic of Poland

(Case C-331/09)

(2009/C 312/17)

Language of the case: Polish

Parties

Applicant: Commission of the European Communities (represented by: K. Gross and A. Stobiecka-Kuik, Agents)

Defendant: Republic of Poland

Form of order sought

— declare that, by its failure to comply with the obligations resulting from the Commission Decision of 23 October 2007 on State Aid C 23/06 (ex NN 35/06) which Poland has implemented for the steel producer Technologie Buczek Group (notified under document number C(2007) 5087), published in OJ 2008 L 116, p. 26, and in any event by not informing the Commission of compliance with those obligations, the Republic of Poland has acted in breach of the fourth paragraph of Article 249 EC and of Articles 3, 4 and 5 of the abovementioned decision;

— order the Republic of Poland to pay the costs.

Pleas in law and main arguments

The Commission adopted, on 23 October 2007, a decision ordering recovery of aid from the Polish steel producer Technologie Buczek Group, in particular from Technologie Buczek SA ('TB') and its subsidiaries Huta Buczek ('HB') and Buczek Automotive ('BA'), which implemented in an unlawful manner a previously approved restructuring plan and subsequently received unlawful operating aid. That operating aid took the form of exemption from public-law liabilities. The Republic of Poland was notified of the decision on 24 October 2007 by way of its Permanent Representative to the European Union. At the same time the Commission called on the Republic of Poland to take all measures necessary to ensure recovery of the aid which had been unlawfully granted.

By the date on which the action was brought, the aid granted to HB and BA had not yet been repaid.