

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (First Chamber) of 11 July 2013 — European Commission v Czech Republic(Case C-545/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Transport — Directive 91/440/EEC — Development of the Community's railways — Article 10(7) — Regulatory body — Competences — Directive 2001/14/EC — Allocation of railway infrastructure capacity — Article 4(1) — Charging framework — Article 6(2) — Measures intended to provide the infrastructure manager with incentives to reduce the costs of provision of infrastructure and the level of access charges — Article 7(3) — Setting charges for the minimum access package and track access to service facilities — Cost directly incurred as a result of operating the railway service — Article 11 — Performance scheme — Article 30(5) — Regulatory body — Competence — Administrative appeal against the decisions of the regulatory body)

(2013/C 252/06)

Language of the case: Czech

Parties

Applicant: European Commission (represented by: M. Šimerdová and H. Støvlbæk, Agents)

Defendant: Czech Republic (represented by: M. Smolek, T. Müller and J. Očková, Agents)

Intervener in support of the defendant: Kingdom of Spain (represented by: S. Centeno Huerta, Agent)

Re:

Failure of a Member State to fulfil its obligations — Failure to adopt, within the prescribed period, all provisions necessary to comply with Article 10(7) of Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ 1991 L 237, p. 25), and with Articles 4(1), 6(2), 7(3), 11 and 30(5) of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of

railway infrastructure capacity and the levying of charges for the use of railway infrastructure (OJ 2001 L 75, p. 29).

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Articles 4(1), 6(2), 11 and 30(5) of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure, as amended by Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004, the Czech Republic has failed to fulfil its obligations under those provisions;
2. Dismisses the remainder of the action;
3. Orders the Commission, the Czech Republic and the Kingdom of Spain to bear their own costs.

⁽¹⁾ OJ C 38, 5.2.2011.

Judgment of the Court (Second Chamber) of 11 July 2013 — European Commission v Kingdom of the Netherlands(Case C-576/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2004/18/EC — Scope ratione temporis — Public works concession — Sale of land by a public body — Construction project established by that body for the redevelopment of public spaces)

(2013/C 252/07)

Language of the case: Dutch

Parties

Applicant: European Commission (represented by: M. van Beek, A. Tokár and C. Zadra, Agents)

Defendant: Kingdom of the Netherlands (represented by: C. Wissels and J. Langer, Agents)

Intervener in support of the defendant: Federal Republic of Germany (represented by: T. Henze, J. Möller, and A. Wiedmann, Agents)

Re:

Failure of a Member State to fulfil obligations — Breach of Article 2 and Title III of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114) — Public works concession — Rules — Municipality of Eindhoven

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to pay the costs;
3. Orders the Federal Republic of Germany to bear its own costs.

⁽¹⁾ OJ C 55, 19.2.2011.

Judgment of the Court (First Chamber) of 11 July 2013 — European Commission v Republic of Slovenia

(Case C-627/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Transport — Directive 91/440/EEC — Development of the Community's railways — Directive 2001/14/EC — Allocation of railway infrastructure capacity — Article 6(3) and Annex II to Directive 91/440 — Article 14(2) of Directive 2001/14 — Infrastructure manager — Participation in the preparation of the service timetable — Traffic management — Article 6(2) to (5) of Directive 2001/14 — Failure to provide incentives for infrastructure managers to reduce the costs of provision of infrastructure and the level of access charges — Articles 7(3) and 8(1) of Directive 2001/14 — Cost that is directly incurred as a result of operating the train service — Article 11 of Directive 2001/14 — Performance scheme)

(2013/C 252/08)

Language of the case: Slovenian

Parties

Applicant: European Commission (represented by: H. Støvlbæk, D. Kukovec and M. Žebre, acting as Agents)

Defendant: Republic of Slovenia (represented by: N. Pintar Gosenca, A. Vran and J. Kampos, acting as Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek and T. Müller, acting as Agents), Kingdom of Spain (represented by: S. Centeno Huerta, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to take, within the prescribed period, all the measures necessary to comply with Article 6(3) of and Annex II of Council Directive 91/440/EEC of 29 July 1991, on the development of the community railways (OJ 1991 L 237, p. 25), as amended, and Article 6(2) to (5), (7)93, 8(1), 11, 14(2) and 30(1) of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001, on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure (OJ 2001 L 75, p. 29)

Operative part of the judgment

The Court:

1. Declares that, by failing to take the measures necessary to comply with:

— Article 6(3) of and Annex II to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways, as amended by Directive 2004/51/EC of the European Parliament and of the Council of 29 April 2004, and Article 14(2) of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure, as amended by Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004, and

— Articles 6(2) to (5), 7(3), 8(1) and 11 of Directive 2001/14, as amended by Directive 2004/49

the Republic of Slovenia has failed to fulfil its obligations under those provisions;

2. Dismisses the remainder of the action;
3. Orders the European Commission, the Republic of Slovenia, the Czech Republic and the Kingdom of Spain to bear their own costs.

⁽¹⁾ OJ C 103, 2.4.2011.