

**Judgment of the Court (Seventh Chamber) of 31 March 2011 –
Commission v Italy**

(Case C-50/10)

(Failure of a Member State to fulfil obligations — Environment — Directive 2008/1/EC — Integrated pollution prevention and control — Requirements for the granting of permits for existing installations)

Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see paras 33-39)

Re:

Failure of a Member State to fulfil obligations – Infringement of Article 5(1) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (OJ 2008 L 24, p. 8) – Installations which could have an effect on emissions into the air, water or soil and on pollution – Authorisation conditions for existing installations.

Operative part

The Court:

1. Declares that, by failing to take the necessary measures to ensure that the competent authorities see to it, by means of permits issued in accordance with Articles 6 and 8 of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (codified version) or, as appropriate, by reconsidering and, where necessary, by updating the conditions, that all existing installations within the meaning of Article 2(4) of that directive operate in accordance with the

requirements of Articles 3, 7, 9, 10, 13, 14(a) and (b) and 15(2) of that directive, the Italian Republic has failed to fulfil its obligations under the directive;

2. Orders the Italian Republic to pay the costs.

**Order of the Court (Fifth Chamber) of 31 March 2011 –
EMC Development v Commission**

(Case C-367/10P)

(Appeal — Agreements, decisions and concerted practices — European cement market — Action for annulment of a decision rejecting a complaint against the adoption of a harmonised standard for cement — Procedure for the adoption of the standard — Binding nature of the standard — Appeal clearly inadmissible in part and clearly unfounded in part)

1. *Appeals — Grounds — Error of law relied on not identified — Inadmissibility (Art. 256 TFEU; Statute of the Court of Justice, Art. 58(1); Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 39-40, 58)*
2. *Appeals — Grounds — Inadequate statement of reasons — Extent of the obligation to state reasons (Statute of the Court of Justice, Arts 36 and 53(1); Rules of Procedure of the General Court, Art. 81) (see paras 46, 48)*
3. *Appeals — Grounds — Breach of the prohibition of ruling on a new plea — Argument amounting to no more than amplification of an argument raised in the defence — Plea clearly not founded (Rules of Procedure of the General Court, Art. 48(2)(1)) (see paras 57, 62-64)*