

Defendant: Kingdom of Belgium (represented by: T. Materne, Agent)

The Court of Justice of the European Union (Fifth Chamber) dismissed the appeal by order of 5 February 2010 and ordered the appellant to bear his own costs.

Re:

Failure to adopt or communicate, within the prescribed period, the measures necessary to comply, in the Walloon Region, with 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) — Existing installations liable to have an effect on emissions into the air, water and soil and on pollution.

Operative part of the judgment

The Court:

1. Declares that, by authorising, in the Walloon Region, the operation of existing installations which do not comply with the requirements laid down in Articles 3, 7, 9, 10, 13, 14(a) and (b) and 15(2) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control, despite the time-limit of 30 October 2007 as laid down in Article 5(1) of that directive, the Kingdom of Belgium has failed to fulfil its obligations under the directive;
2. Orders the Kingdom of Belgium to pay the costs.

(¹) OJ C 220, 12.9.2009.

Appeal brought on 10 September 2009 by Mr Hans Molter against the order of the Court of First Instance (Eighth Chamber) delivered on 12 August 2009 in Case T-141/09 Hans Molter v Bundesrepublik Deutschland

(Case C-361/09 P)

(2010/C 113/21)

Language of the case: German

Parties

Appellant: Hans Molter (represented by: T. Damerou, Rechtsanwalt)

Other party to the proceedings: Bundesrepublik Deutschland

Reference for a preliminary ruling from the Juzgado de lo Contencioso Administrativo Número 3 de Almería (Spain) lodged on 2 October 2009 — Águeda María Sáenz Morales v Consejería para la Igualdad y Bienestar Social

(Case C-389/09)

(2010/C 113/22)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso Administrativo Número 3 de Almería

Parties to the main proceedings

Applicant: Águeda María Sáenz Morales

Defendant: Consejería para la Igualdad y Bienestar Social

By Order of 20 January 2010 the Court of Justice (Sixth Chamber) declared the reference for a preliminary ruling manifestly inadmissible.

Reference for a preliminary ruling from the Fővárosi Bíróság lodged on 13 January 2010 — Károly Nagy v Mezőgazdasági és Vidékfejlesztési Hivatal

(Case C-21/10)

(2010/C 113/23)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicant: Nagy Károly

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal

Questions referred

1. May Articles 22 of Council Regulation (EC) No 1257/1999⁽¹⁾ and [68] of Commission Regulation No 817/2004⁽²⁾ be interpreted as meaning that, in the case of specific programmes for grassland by way of agri-environmental aid under the first article mentioned, the checks on the data contained in the ENAR (Egységes Nyilvántartási és Azonosítási Rendszer — Integrated Identification and Registration System), pursuant to Article 68 of Regulation No 817/2004, must also be extended to area aid specifying a certain density of livestock?
2. May the above provisions be interpreted as meaning that cross-checks under the integrated administration and control system must be carried out also in cases where the precondition for aid is the density of livestock, although the aid is not for animals?
3. May those provisions be interpreted as meaning that, in assessing area aid, the competent authority may or must check whether the conditions for aid are met, independently of the ENAR?
4. On the basis of the interpretation of the above provisions, what monitoring obligation arises for the competent authority from the requirement in the above Community provisions for checks and cross-checks? May the monitoring be limited exclusively to review of the data contained in the ENAR?
5. Do those provisions impose an obligation on the national authority to provide information concerning the pre-conditions for aid (for example, registration in the ENAR)? If so, in what way and to what extent?

Action brought on 20 January 2010 — European Commission v Kingdom of Denmark

(Case C-33/10)

(2010/C 113/24)

Language of the case: Danish

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro, H. Støvlbæk, acting as Agents)

Defendant: Kingdom of Denmark

Form of order sought

- Declare that, by not adopting all the measures necessary to ensure that by 30 October 2007, all permits were reconsidered and, where necessary, updated, the Kingdom of Denmark has failed to comply with its obligations under Article 5(1) of Directive 2008/1/EC⁽¹⁾ of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control;
- order Kingdom of Denmark to pay the costs.

Pleas in law and main arguments

Article 5(1) of the Directive requires all Member States to enact measures with a view to implementing a permit and/or review procedure for existing installations by 30 October 2007. That time-limit applies without exception and the Directive does not allow the Member States to rely on exceptional circumstances as grounds for not complying with the obligation.

⁽¹⁾ Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations (OJ 1999 L 160, p. 80).

⁽²⁾ Commission Regulation (EC) No 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2004 L 153, p. 30).

It is not sufficient that measures have been adopted in Denmark with a view to ensuring closure of all cases relating to compliance with Article 5(1) of the Directive by the end of 2009. Nor can delays resulting from the municipal reform of 1 January 2007 be accorded any weight in the assessment of whether Denmark has complied with its obligations under Article 5(1). The time-limit laid down for legalising installations expired on 30 October 2007 and was notified to Member States as early as 22 September 2005. Denmark has thus had a number of years in which to adopt the necessary measures to comply with the Directive.