

Action brought on 29 January 2010 — European Commission v Republic of Slovenia

(Case C-49/10)

(2010/C 80/37)

Language of the case: Slovene

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and B. Rous Svetec)

Defendant: Republic of Slovenia

Form of order sought

— a declaration that, by failing to take the measures necessary to ensure that the competent authorities see to it, by means of permits in accordance with Articles 6 and 8 of Directive 2008/1/EC ⁽¹⁾ or, as appropriate, by reconsidering and, where necessary, by updating the conditions, that existing installations operate in accordance with the requirements of Articles 3, 7, 9, 10 and 13, Article 14(a) and (b) and Article 15(2) not later than 30 October 2007, without prejudice to specific Community legislation, the Republic of Slovenia has failed to fulfil its obligations under 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 (‘the IPPC Directive’);

— an order that the Republic of Slovenia should pay the costs.

Pleas in law and main arguments

On the basis of the answer given by the Republic of Slovenia to the reasoned opinion, the European Commission finds that a great many installations in Slovenia still operate without valid permits, which amounts to infringement of Article 5(1) of Directive 2008/1/EC.

⁽¹⁾ OJ 2008 L 24, p. 8.

Appeal brought on 9 February 2010 by Internationale Fruchtimport Gesellschaft Weichert & Co. KG against the order of the Court of First Instance (Eighth Chamber) delivered on 30 November 2009 in Case T-2/09: Internationale Fruchtimport Gesellschaft Weichert & Co. KG v European Commission

(Case C-73/10 P)

(2010/C 80/38)

Language of the case: English

Parties

Appellant: Internationale Fruchtimport Gesellschaft Weichert & Co. KG (represented by: A. Rinne, Rechtsanwalt, S. Kon, Solicitor, C. Humpe, Solicitor, C. Vajda QC)

Other party to the proceedings: European Commission

Form of order sought

The applicant claims that the Court should:

— set aside the Order of the CFI in Case T- 2/09 dated 30 November 2009; and

— declare Weichert’s application for annulment in Case T-2/09 admissible and refer the case back to the General Court of the European Union for judgment on Weichert’s claims seeking annulment of the decision of the Commission of the European Communities of 15 October 2008 (Case COMP/39.188 — Bananas) — in so far as it relates to Weichert, or

— in the alternative, refer the case back to the General Court of the European Union for judgment on the admissibility of Weichert’s application for annulment in Case T-2/09.

Pleas in law and main arguments

The applicant submits that the CFI erred in law by declaring the application inadmissible on the basis that there could only be a derogation from the application of the Community rules on procedural time limits where the circumstances are either unforeseeable or amount to force majeure. It is submitted that such an approach is unduly narrow and fails to take any, or any proper account, of the importance of the right of access to a court in criminal proceedings, the principle of legality in criminal proceedings, and principle of proportionality, and the overriding need to avoid an unjust result.