

Council Directive 1999/30/EC ⁽¹⁾ of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, which have since 11 June 2010 been laid down in Article 13(1) of Directive 2008/50/EC ⁽²⁾ of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe;

— order the Republic of Slovenia to pay the costs.

Pleas in law and main arguments

It is apparent from the annual report produced by the Republic of Slovenia on observance of the binding daily and annual limit values for PM10 that, in the Republic of Slovenia in the years 2005, 2006 and 2007, in zones S11, S12 and S14 and in agglomerations SIL and SIM, the limit values for annual and daily concentrations of PM 10 in ambient air were exceeded. The European Commission has received no official notification concerning exemption from the obligation to apply the limit values in accordance with Article 22(2) of Directive 2008/50/EC.

⁽¹⁾ OJ 1999 L 163, p. 41.

⁽²⁾ OJ 2008 L 152, p. 1.

Appeal brought on 22 July 2010 by EMC Development AB against the judgment of the General Court (Fifth Chamber) delivered on 12 May 2010 in Case T-432/05: EMC Development AB v European Commission

(Case C-367/10 P)

(2010/C 288/33)

Language of the case: English

Parties

Appellant: EMC Development AB (represented by: W.-N. Schelp, avocat)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

(i) annul the Commission's Decision dated 28.09.05;

(ii) in the alternative to (i), set aside the Judgment under appeal in whole or in part and refer the case back to the General Court for an adjudication on the substance, in the light of the guidance which this Court may provide to it;

(iii) in any event, Order the Commission to pay the costs of the Applicant incurred before the General Court and the Court of Justice.

Pleas in law and main arguments

The applicant submits that the General Court, in adopting the Commission's positions vis à vis the Guidelines, required the appellant to prove matters of fact and placed an unassailable burden upon the appellant. In so doing it has sought to require proof of the Standard's effects without considering the wider and more fundamental issues of its nature. The applicant considers that this constitutes an error of law and that the order of procedure of the tests as between the nature and the effects of the Standard have been reversed.

Reference for a preliminary ruling from the Naczelny Sąd Administracyjny, Izba Finansowa, Wydział II (Republic of Poland), lodged on 26 July 2010 — Pak-Holdco Sp zoo v Dyrektor Izby Skarbowej w Poznaniu

(Case C-372/10)

(2010/C 288/34)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny, Izba Finansowa, Wydział II

Parties to the main proceedings

Appellant: Pak-Holdco Sp zoo

Respondent: Dyrektor Izby Skarbowej w Poznaniu

Questions referred

1. In interpreting Article 7(1) of Directive 69/335/EEC, ⁽¹⁾ must a national court take account of the provisions of amending directives, in particular Directives 73/79/EEC ⁽²⁾ and 73/80/EEC, ⁽³⁾ even though those directives were no longer in force when the Republic of Poland acceded to the European Union?