

Judgment of the Court (First Chamber) of 3 October 2013
— European Commission v Italian Republic

(Case C-369/11) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Transport — Directive 2001/14/EC — Articles 4(1) and 30(3) — Allocation of railway infrastructure capacity — Levying of charges — Infrastructure fees — Independence of infrastructure managers)

(2013/C 344/12)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: E. Montaguti and H. Støvlbæk, acting as Agents)

Defendant: Italian Republic (represented by: G. Palmieri, Agent, assisted by S. Fiorentino, avvocato dello Stato)

Intervener in support of the defendant: Czech Republic (represented by: M. Smolek, 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 to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ 1991 L 237, p. 25), as amended, and with Articles 4(1) and (2), 14(2) and 30(1) and 30(3) 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 and safety certification (OJ 2001 L 75, p. 29)

Operative part of the judgment

The Court:

1. Declares that, by failing to ensure the independence of the infrastructure manager with regard to the setting of charges for access to the infrastructure and the allocation of railway infrastructure capacity, the Italian Republic has failed to fulfil its obligations under Articles 4(1) and 30(3) 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 2007/58/EC of the European Parliament and of the Council of 23 October 2007;
2. Dismisses the action as to the remainder;
3. Orders the European Commission, the Italian Republic and the Czech Republic to bear their own costs.

⁽¹⁾ OJ C 282, 24.9.2011.

Judgment of the Court (Fifth Chamber) of 19 September 2013 (request for a preliminary ruling from the Symvoulion tis Epikrateias — Greece) — Panellinios Sindesmos Viomikhanion Metapiisis Kapnou v Ipourgos Ikonomias kai Ikonomikon, Ipourgos Agrotikis Anaptixis kai Trofimon

(Case C-373/11) ⁽¹⁾

(Request for a preliminary ruling — Assessment of validity — Common Agricultural Policy — Regulation (EC) No 1782/2003 — Additional payment for specific types of farming and quality production — Discretion granted to the Member States — Discrimination — Articles 32 EC and 34 EC)

(2013/C 344/13)

Language of the case: Greek

Referring court

Symvoulion tis Epikrateias

Parties to the main proceedings

Applicant: Panellinios Sindesmos Viomikhanion Metapiisis Kapnou

Defendants: Ipourgos Ikonomias kai Ikonomikon, Ipourgos Agrotikis Anaptixis kai Trofimon,

Re:

Request for a preliminary ruling — Symvoulion tis Epikratias — Interpretation of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ 2003 L 270, p. 1) — Interpretation of Articles 2, 32 and 34 EC — Additional payment for specific types of farming — Possibility given to the Member States to determine different proportions of the component of the national ceilings for the purposes of making the additional payment — Differences in treatment of producers of the same products according to the use made of that power by each Member State

Operative part of the judgment

The examination of the question referred for a preliminary ruling has disclosed nothing capable of affecting the validity of Article 69 of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes