



Reports of Cases

Case C-68/11

European Commission v Italian Republic

(Failure of a Member State to fulfil obligations — Environment — Directive 1999/30/EC — Pollution control — Limit values for concentrations of PM₁₀ in ambient air)

Summary — Judgment of the Court (First Chamber), 19 December 2012

1. *Actions for failure to fulfil obligations — Application initiating proceedings — Statement of subject-matter and pleas in law — Formal requirements — Unambiguous wording — Absolute bar to admissibility*

(Art. 258 TFEU; Rules of Procedure of the Court of Justice, Art. 38(1)(c))

2. *Environment — Atmospheric pollution — Directive 1999/30 — Obligation to adopt measures necessary to ensure that the limit values applicable to concentrations of PM₁₀ are not exceeded — The exceeding of daily limit values — Failure to fulfil obligations*

(Directive 1999/30, Art. 5(1))

3. *Actions for failure to fulfil obligations — Objective nature — Reason for the failure to fulfil obligations — No effect*

(Art. 258 TFEU)

4. *Member States — Obligations — Failure to fulfil obligations — Justification — Force majeure — Conditions*

(Art. 258 TFEU)

1. The Court may of its own motion examine whether the conditions laid down in Article 258 TFEU for bringing an action for failure to fulfil obligations are satisfied.

In that respect, as follows in particular from Article 38(1)(c) of the Rules of Procedure of the Court of Justice, the application initiating proceedings must state the subject-matter of the dispute and a summary of the pleas in law on which the application is based and that statement must be sufficiently clear and precise to enable the defendant to prepare its defence and the Court to rule on the application. It is therefore necessary for the essential points of law and fact on which a case is based to be indicated coherently and intelligibly in the application itself and for the form of order sought to be set out unambiguously so that the Court does not rule *ultra petita* or indeed fail to rule on a claim.

As regards an action for failure to fulfil obligations, the absence of an indispensable element from the content of the application initiating proceedings, such as the period during which the Member State, according to the Commission's assertions, has infringed EU law, does not satisfy the requirements of coherence, clarity and precision. In such a case, the Commission cannot merely allege that there is a current breach of obligations and that the Court's decision must apply to the present and not the past, without specifying the period referred to.

(see paras 49-54)

2. See the text of the decision.

(see paras 55, 67)

3. See the text of the decision.

(see paras 62, 63)

4. See the text of the decision.

(see para. 64)