

Action brought on 5 July 2011 — European Commission v Republic of Austria

(Case C-352/11)

(2011/C 252/48)

*Language of the case: German***Parties***Applicant:* European Commission (represented by: G. Wilms and A. Alcover San Pedro, Agents)*Defendant:* Republic of Austria**Form of order sought**

— Declare that, by failing to grant permits in accordance with Articles 6 and 8 of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (IPPC Directive), to reconsider or if necessary renew and check compliance with existing permits, in order to ensure that all existing installations are operated in accordance with the requirements of Articles 3, 7, 9, 10 and 13, 14(a) and (b) and Article 15(2) of the IPPC Directive, the Republic of Austria has failed to fulfil its obligations under Article 5(1) of the IPPC directive;

— Order the Republic of Austria to pay the costs.

Pleas in law and main arguments

Pursuant to the provisions of the IPPC Directive,⁽¹⁾ since 30 October 2007 'existing installations' within the meaning of that directive require a permit.

According to the information currently available to the Commission, at the relevant time not all of those 'existing installations' situated in the Republic of Austria are in possession of the necessary permit.

⁽¹⁾ 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)

Action brought on 5 July 2011 — European Commission v Czech Republic

(Case C-353/11)

(2011/C 252/49)

*Language of the case: Czech***Parties***Applicant:* European Commission (represented by: E. Manhaeve and M. Thomannová-Körnerová, acting as Agents)*Defendant:* Czech Republic**Form of order sought**

— declare that, by failing to adopt all the necessary legal and administrative measures necessary to comply with Commission Directive 2010/5/EU of 8 February 2010 amending Directive 98/8/EC of the European Parliament and of the Council to include acrolein as an active substance in Annex I thereto⁽¹⁾, or in any event by failing to notify the Commission of such measures, the Czech Republic has failed to fulfil its obligations under Article 2 of that directive;

— order the Czech Republic to pay the costs.

Pleas in law and main arguments

The prescribed period for transposing the directive into domestic law expired on 31 August 2010.

⁽¹⁾ OJ 2010 L 36, p. 24

Order of the President of the Court of 9 February 2011 — Acegas-APS SpA, formerly Acqua, Elettricità, Gas e servizi SpA (Acegas) v European Commission(Case C-341/09 P)⁽¹⁾

(2011/C 252/50)

Language of the case: Italian

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 267, 7.11.2009.

Order of the President of the Third Chamber of the Court of 11 February 2011 (reference for a preliminary ruling from the Consiglio di Stato (Italy)) — Reti Televisive Italiane SpA (RTI) v Autorità per le Garanzie nelle Comunicazioni, Sky Italia Srl(Case C-390/09)⁽¹⁾

(2011/C 252/51)

Language of the case: Italian

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 312, 19.12.2009.