

Second plea:

Infringement of Article 338(1) TFEU by the use in Article 4(1) of Regulation No 93/2013, for the purposes of the compilation of statistical information, of a handbook instead of one of the legal instruments listed in Article 288 TFEU.

Third plea:

Infringement of Articles 5(3) and 14(3) of Regulation No 2494/95, read in conjunction with Article 5a of Decision 1999/468, ⁽²⁾ in that a different procedure is laid down in Article 4(1) of Regulation No 93/2013 than the regulatory procedure with scrutiny required under Regulation No 2494/95.

Fourth plea:

Infringement of Articles 290 TFEU and 291 TFEU, read in conjunction with Regulation No 182/2011, ⁽³⁾ in that the procedure laid down with regard to the establishment and updating of a handbook is not the procedure under Article 290 TFEU or one of the procedures provided for in Regulation No 182/2011.

⁽¹⁾ OJ 1995 L 257, p. 1.

⁽²⁾ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ 1999 L 184, p. 23).

⁽³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ 2011 L 55, p. 13).

Action brought on 29 April 2013 — European Commission v Republic of Estonia

(Case C-240/13)

(2013/C 189/21)

Language of the case: Estonian

Parties

Applicant: European Commission (represented by: O. Beynet, M. Heller and L. Naaber-Kivisoo, acting as Agents)

Defendant: Republic of Estonia

Form of order sought

— declare that, by failing to adopt the laws and regulations to transpose Article 2(21), Article 9(5), (7) and (12), Article 10(5), the first sentence of Article 11(1), Article 11(5)(a) and (b), Article 16(2) and (3), the second, fourth and fifth sentences of Article 26(2)(c), Article 36, Article 37(1)(e), (f), (i), (k) and (p), Article 37(8), the second sentence of Article 37(10), Article 38(3), Article 40(3), and the fifth indent of point 1(a) and point 1(d), (f), (i) and (j) of Annex I of Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, ⁽¹⁾ or in any event by failing to

notify the Commission of the adoption of the necessary provisions for transposition of the directive, the Republic of Estonia has failed to fulfil its obligations under Article 49(1) of the directive;

- impose on the Republic of Estonia, for breaching the obligation to notify the measures transposing the directive, in accordance with Article 260(3) TFEU, a penalty payment of EUR 5 068,8 a day from the date of the judgment of the Court of Justice;
- order the Republic of Estonia to pay the costs.

Pleas in law and main arguments

The period for transposing the directive expired on 3 March 2011.

⁽¹⁾ OJ 2009 L 211, p. 55.

Action brought on 29 April 2013 — European Commission v Republic of Estonia

(Case C-241/13)

(2013/C 189/22)

Language of the case: Estonian

Parties

Applicant: European Commission (represented by: O. Beynet, M. Heller and L. Naaber-Kivisoo, acting as Agents)

Defendant: Republic of Estonia

Form of order sought

— declare that, by failing to adopt the laws and regulations to transpose Article 2(10), (20) and (22), Article 3(3) and (4), Article 7(3), Article 9(5), (7) and (12), Article 10(5), Article 11(5)(a) and (b), Articles 12, 13, 15 and 16, Article 26(2)(b), the second, fourth and fifth sentences of Article 26(2)(c), the third and fourth sentences of Article 26(2)(d), Article 26(3), Article 27(2), Article 33, the second and fourth subparagraphs of Article 36(4), Article 36(6) and (8), the third subparagraph of Article 36(9), Article 41(1)(d), (e), (i), (k), (n), (p), (q) and (s), Article 41(6)(c), the second and third sentences of Article 41(9), Article 41(10), Article 44(3), the second, third, fifth and seventh indents of the first subparagraph of point 1(a) of Annex I, the second subparagraph of point 1(a) of Annex I, point 1(b), (d), (f), (h), (i) and (j) of Annex I and point 2 of Annex I of Directive 2009/73/EC of the European Parliament and of

the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, ⁽¹⁾ or in any event by failing to notify the Commission of the adoption of the necessary provisions for transposition of the directive, the Republic of Estonia has failed to fulfil its obligations under Article 54(1) of the directive;

— impose on the Republic of Estonia, for breaching the obligation to notify the measures transposing the directive, in accordance with Article 260(3) TFEU, a penalty payment of EUR 4224 a day from the date of the judgment of the Court of Justice;

— order the Republic of Estonia to pay the costs.

Pleas in law and main arguments

The period for transposing the directive expired on 3 March 2011.

⁽¹⁾ OJ 2009 L 211, p. 94.

Action brought on 30 April 2013 — European Commission v Kingdom of Sweden

(Case C-243/13)

(2013/C 189/23)

Language of the case: Swedish

Parties

Applicant: European Commission (represented by: J. Enegren and S. Petrova, acting as Agents)

Defendant: Kingdom of Sweden

Form of order sought

— Declare that, by failing to adopt the measures necessary to comply with the judgment of the Court of Justice in Case C-607/10, Sweden has failed to fulfil its obligations under Article 260(1) TFEU;

— Order Sweden to pay to the Commission, into the 'European Union own resources' account, a fine of EUR 14 912 per day for each day that the measures necessary to comply with the judgment of the Court of Justice in Case C-607/10 have not been adopted, with effect from the date on which the judgment in that case was delivered until the date on which the judgment in Case C-607/10 is complied with;

— Order Sweden to pay to the Commission, into the same account, a lump sum of EUR 4 893 per day for each day that the measures necessary to comply with the judgment of the Court of Justice in Case C-607/10 have not been adopted, with effect from the date on which the judgment in that case was delivered until the date on which judgment is given in the present case or the date on which the measures necessary to comply with the judgment in Case C-607/10 are adopted, if that is earlier;

— order the Kingdom of Sweden to pay the costs.

Pleas in law and main arguments

In its judgment of 29 March 2012 in Case C-607/10 *European Commission v Kingdom of Sweden*, the Court held that '1. ... by failing to take the necessary measures to ensure that the competent national authorities see to it, by means of permits issued 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 (Codified version) or, as appropriate, by reconsidering and, where necessary, by updating the conditions, that all 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) of that directive, the Kingdom of Sweden has failed to fulfil its obligations under Article 5(1) of that directive.'

The Kingdom of Sweden has not yet adopted any measures to comply with the judgment of the Court of Justice in Case C-607/10. The Commission has therefore brought this action in accordance with Article 260(1) of the Treaty on the Functioning of the European Union and seeks an order imposing economic sanctions on the Kingdom of Sweden.

Reference for a preliminary ruling from High Court of Ireland made on 30 April 2013 — Ewaen Fred Ogieriakhi v Minister for Justice and Equality, Ireland, Attorney General, An Post

(Case C-244/13)

(2013/C 189/24)

Language of the case: English

Referring court

High Court of Ireland