

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Seventh Chamber) of 3 June 2021 — European Commission v Federal Republic of Germany

(Case C-635/18) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Environment — Directive 2008/50/EC — Ambient air quality — Article 13(1) and Annex XI — Systematic and constant exceedance of the limit values for nitrogen dioxide (NO₂) in certain zones and agglomerations of Germany — Article 23(1) — Annex XV — Exceedance period to be ‘as short as possible’ — Appropriate measures)

(2021/C 289/02)

Language of the case: German

Parties

Applicant: European Commission (represented by: C. Hermes, E. Manhaeve and A. C. Becker, acting as Agents)

Defendant: Federal Republic of Germany (represented initially by: T. Henze and S. Eisenberg, acting as Agents, and U. Karpenstein, F. Fellenberg and K. Dingemann, Rechtsanwälte, and subsequently by J. Möller and S. Eisenberg, acting as Agents, and U. Karpenstein, F. Fellenberg and K. Dingemann, Rechtsanwälte)

Intervener in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented by: F. Shibli, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that the Federal Republic of Germany,

- by having systematically and persistently exceeded, from 1 January 2010 up to and including 2016, first, the annual limit value for Nitrogen Dioxide (NO₂) in 26 zones and agglomerations situated in German territory, namely, zones DEZBXX0001A (agglomeration of Berlin), DEZCXX0007A (agglomeration of Stuttgart), DEZCXX0043S (district of Tübingen), DEZCXX0063S (district of Stuttgart (without agglomeration)), DEZCXX0004A (agglomeration of Freiburg), DEZCXX0041S (district of Karlsruhe (without agglomerations)), DEZCXX0006A (agglomeration of Mannheim/Heidelberg), DEZDXX0001A (agglomeration of Munich), DEZDXX0003A (agglomeration of Nuremberg/Fürth/Erlangen), DEZFX0005S (Zone III Central and Northern Hesse), DEZFX0001A (agglomeration I (Rhine-Main)), DEZFX0002A (agglomeration II (Kassel)), DEZGLX0001A (agglomeration of Hamburg), DEZJXX0015A (Grevenbroich (Rhineland mining area)), DEZJXX0004A (Cologne), DEZJXX0009A (Düsseldorf), DEZJXX0006A (Essen), DEZJXX0017A (Duisburg, Oberhausen, Mülheim), DEZJXX0005A (Hagen), DEZJXX0008A (Dortmund), DEZJXX0002A (Wuppertal), DEZJXX0011A (Aachen), DEZJXX0016S (urban and rural areas in North Rhine-Westphalia), DEZKXX0006S (Mainz), DEZKXX0007S (Worms/Frankenthal/Ludwigshafen), DEZKXX0004S (Koblenz/Neuwied), and, secondly, the hourly limit value for NO₂ in two of those zones, namely, agglomerations DEZCXX0007A (agglomeration of Stuttgart) and DEZFX0001A (agglomeration I (Rhine-Main)), has failed to fulfil its obligations under the combined provisions of Article 13(1) and Annex XI to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe,

and

- by not having adopted, from 11 June 2010, appropriate measures to ensure compliance with the limit values for NO₂ in all those zones, failed to fulfil its obligations under the combined provisions of Article 23(1), read alone and in conjunction with Section A of Annex XV to Directive 2008/50 and in particular the obligation laid down in the second subparagraph of Article 23(1) of that directive, to ensure that the period of exceedance of limit values is kept as short as possible;
2. Orders the Federal Republic of Germany to bear its own costs and to pay those incurred by the Commission;
 3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

⁽¹⁾ OJ C 436, 3.12.2018.

Judgment of the Court (Grand Chamber) of 3 June 2021 — Hungary v European Parliament

(Case C-650/18) ⁽¹⁾

(Action for annulment — Article 7(1) TEU — European Parliament resolution on a proposal calling on the Council of the European Union to determine the existence of a clear risk of a serious breach of the values on which the European Union is founded — Articles 263 and 269 TFEU — Jurisdiction of the Court — Admissibility of the appeal — Challengeable act — Article 354 TFEU — Rules for counting votes in the Parliament — Rules of Procedure of the Parliament — Rule 178(3) — Concept of ‘votes cast’ — Abstentions — Principles of legal certainty, equal treatment, democracy and sincere cooperation)

(2021/C 289/03)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented: initially by M.Z. Fehér, G. Tornyai and Zs. Wagner, and subsequently by M.Z. Fehér, acting as Agents)

Defendant: European Parliament (represented by: F. Drexler, N. Görlitz and T. Lukácsi, acting as Agents)

Intervener in support of the applicant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Hungary to bear its own costs and to pay those incurred by the European Parliament;
3. Orders the Republic of Poland to bear its own costs.

⁽¹⁾ OJ C 436, 3.12.2018.

Judgment of the Court (Fourth Chamber) of 3 June 2021 — The Yokohama Rubber Co. Ltd v Pirelli Tyre SpA (C-818/18 P), European Union Intellectual Property Office (EUIPO) v Pirelli Tyre SpA (C-6/19 P)

(Joined Cases C-818/18 P and C-6/19 P) ⁽¹⁾

(Appeal — EU trade mark — Absolute grounds for refusal or invalidity of registration — Sign consisting exclusively of the shape of goods which is necessary to obtain a technical result — Regulation (EC) No 40/94 — Article 7(1)(e)(ii) — Sign consisting of a shape which does not represent a significant part of the goods)

(2021/C 289/04)

Language of the case: English

Parties

(Case C-818/18 P)