

Action brought on 12 February 2001 by the Commission of the European Communities against the French Republic

(Case C-60/01)

(2001/C 108/12)

An action against the French Republic was brought before the Court of Justice of the European Communities on 12 February 2001 by the Commission of the European Communities, represented by H. Støvlbæk and J. Adda, acting as Agents, with an address for service in Luxembourg.

The Commission of the European Communities claims that the Court should:

- declare that, by failing to adopt all the measures necessary and appropriate in order to ensure either that all incineration plants currently operating in France are being operated in accordance with the combustion conditions laid down by Directives 89/369/EEC⁽¹⁾ and 89/429/EEC⁽²⁾ or that they cease to operate by the due date, namely 1 December 1990 as regards new plants and 1 December 1996 as regards existing plants, the French Republic has failed to fulfil its obligations under Article 4(1) of Directive 89/369/EEC and Articles 2(a) and 4 of Directive 89/429/EEC and under the third paragraph of Article 249 of the Treaty establishing the European Community;
- order the French Republic to pay the costs.

Pleas in law and main arguments

The Commission states that it is undeniably apparent from the information made publicly available by the French authorities themselves, and from the response of those authorities to the letter giving formal notice and the reasoned opinion, that numerous incinerators have been operating — and at least seven of them are continuing to operate — without complying with the combustion conditions laid down in Article 4(1) of Directive 89/369/EEC and Articles 2(a) and 4 of Directive 89/429/EEC.

⁽¹⁾ Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants (OJ L 163, 14.6.1989, p. 32).

⁽²⁾ Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants (OJ L 203, 15.7.1989, p. 50).

Appeal brought on 12 February 2001 by Francis Panichelli against the judgment delivered on 13 December 2000 by the Second Chamber of the Court of First Instance of the European Communities in Joined Cases T-130/98 and T-131/98 between Francis Panichelli and European Parliament

(Case C-61/01 P)

(2001/C 108/13)

An appeal against the judgment delivered on 13 December 2000 by the Second Chamber of the Court of First Instance of the European Communities in Joined Cases T-130/98 and T-131/98 between Francis Panichelli and European Parliament was brought before the Court of Justice of the European Communities on 12 February 2001 by Francis Panichelli, represented by Eric Boigelot, with an address for service in Luxembourg.

The appellant claims that the Court should:

1. declare the appeal admissible and founded;
2. accordingly:
 - (a) set aside the contested judgment;
 - (b) itself adjudicate on the dispute and uphold the appellant's claims at first instance:
 - annul the implied decision of the appointing authority rejecting the request made by the applicant on 11 July 1997, by which he was neither made up to Grade A 4 with effect from 1 January 1993, nor granted the promotion which he sought, nor were there drawn up staff reports in respect of the periods 1993 to 1994 and 1995 to 1996;
 - annul the implied rejection of the complaint lodged on 26 January 1998 against the implied decision to reject his request of 11 July 1997;
 - order the defendant to pay to the appellant, subject to increase in the course of the proceedings, BEF 250 000 (EUR 6 191,91) by way of damages to make good the material and non-material damage caused to him;
 - annul the decision of the Bureau of the European Socialist Party group (ESP) to terminate the appellant's temporary contract with effect from the evening of 2 October 1998, brought to the appellant's notice on 2 July 1998 by a letter from the Chair of the ESP Group, Ms P. Green, dated 30 June 1998 and sent by registered post on 1 July 1998;