

Action brought on 7 July 2003 by the Commission of the European Communities against Ireland

(Case C-294/03)

(2003/C 213/32)

An action against Ireland was brought before the Court of Justice of the European Communities on 7 July 2003 by the Commission of the European Communities, represented by Xavier Lewis and Florence Simonetti, acting as agents, with an address for service in Luxembourg.

The Applicant claims that the Court should:

- 1) Declare that, by failing to adopt the laws, regulations or administrative provisions necessary to comply with Article 4 (2) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁽¹⁾ in respect of peat extraction projects or, in any event, by failing to notify such provisions to the Commission, Ireland has not implemented all the measures necessary to comply with the judgment of the Court of 21 September 1999 in Case C-392/96 Commission v. Ireland and has failed to fully fulfil its obligations under Article 228 of the Treaty;
- 2) Order Ireland to pay to the Commission of the European Communities, into the account EC own resources, a penalty payment of EUR 21 600 for each day of delay in implementing the measures necessary to comply with the judgment in Case C-392/96, from delivery of the judgment in these proceedings until judgment in Case C-392/96 has been complied with,
- 3) Order Ireland to pay the costs.

Pleas in law and main arguments

This application concerns the failure by Ireland to comply with the judgment of 21 September 1999 in Case C-392/96 in so far as Ireland has taken inadequate measures since that judgment to ensure that Irish legislation complies with Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects ('the Directive') in respect of peat extraction projects covered by point 2(a) of Annex II of that Directive. Although Ireland has taken some measures in an effort to execute the judgment, they remain inadequate in theory and have not been implemented in practice.

In accordance with Article 228 (2) of the EC Treaty, the Commission asks the Court to impose a penalty payment of EUR 21 600 on Ireland for each day's delay in implementing the Court's judgment in Case C-392/96, beginning from the day on which the Court gives its judgment in the present case.

⁽¹⁾ OJ L 175, 05.07.1985, p. 40.

Appeal brought on 2 July 2003 by Alessandrini Srl and Others against the judgment delivered on 10 April 2003 by the Fifth Chamber of the Court of First Instance of the European Communities in Joined Cases T-93/00 and T-46/01 between Alessandrini Srl and Others and the Commission of the European Communities

(Case C-295/03 P)

(2003/C 213/33)

An appeal against the judgment delivered on 10 April 2003 by the Fifth Chamber of the Court of First Instance of the European Communities in Joined Cases T-93/00 and T-46/01 between Alessandrini Srl and Others and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 2 July 2003 by Alessandrini Srl and Others, represented by W. Viscardini and G. Donà.

The appellants claim that the Court should:

1. set aside the judgment of the Court of First Instance of 10 April 2003 in Joined Cases T-93/00 and T-46/01 as to that part which deals with the application for damages;
2. order the Commission to pay the appellants damages for the losses sustained as a result of the Commission's failure to grant certificates for the import of bananas from non-member countries, in the sum quantified in paragraph 114-A of the pleading, totalling LIT 370 983 900 (EUR 191 597,20) together with currency re-valuation and interest, and
3. order the Commission to reimburse the appellants their costs of the proceedings both at first instance and on appeal.