

Action brought on 28 October 2004 by the Commission of the European Communities against the United Kingdom of Great Britain and Northern Ireland

(Case C-455/04)

(2005/C 6/54)

(Language of procedure: English)

An action against the United Kingdom of Great Britain and Northern Ireland was brought before the Court of Justice of the European Communities on 28 October 2004 by the Commission of the European Communities, represented by Carmel O'Reilly, acting as agent, with an address for service in Luxembourg.

The Commission requests the Court to:

1. declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof⁽¹⁾, or in any event by failing to communicate them to the Commission, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under the Directive;
2. order the United Kingdom of Great Britain and Northern Ireland to pay the costs.

Pleas in law and main arguments:

The period within which the directive had to be transposed expired on 31 December 2002.

⁽¹⁾ OJ L 212, 7.8.2001, p. 12

Action brought on 29 October 2004 by the Commission of the European Communities against the Portuguese Republic

(Case C-457/04)

(2005/C 6/55)

An action against the Portuguese Republic was brought before the Court of Justice of the European Communities on 29 October 2004 by the Commission of the European Communities, represented by António Caeiros and Gregorio Valero Jordana, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

- principally, declare that, by having failed to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2003/17/EC⁽¹⁾ of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels, the Portuguese Republic has failed to fulfil its obligations under the first paragraph of Article 2 of Directive 2003/17/EC;
- as an ancillary matter, declare that by not having informed the Commission of such provisions forthwith, the Portuguese Republic has failed to fulfil its obligations under the first paragraph of Article 2 of Directive 2003/17/EC;
- order the Portuguese Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for the transposition into national law of Directive 2003/17/EC expired on 30 June 2003.

⁽¹⁾ OJ 2003 L 76, p. 10.

Action brought on 25 October 2004 by Commission of the European Communities against Italian Republic

(Case C-462/04)

(2005/C 6/56)

(Language of the case: Italian)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 25 October 2004 by the Commission of the European Communities, represented by Eugenio de March and Carmel O'Reilly, acting as Agents.

The applicant claims that the Court should:

- Declare that, by failing to adopt the laws, regulations and administrative provisions needed to comply with Council Directive 2001/40/EC⁽¹⁾ of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals, and by failing in any event to give the Commission notice thereof, the Italian Republic has failed to fulfil its obligations under Article 17 of that directive;
- Order the Italian Republic to pay the costs.