

Reference for a preliminary ruling from the High Court of Justice (England and Wales), Queen's Bench Division (Administrative Court), Divisional Court, by order of that court of 20 May 2005 in The Queen on the application of Thames Water Utilities Ltd v South East London Division, Bromley Magistrates' Court, Intervener: The Environment Agency

(Case C-252/05)

(2005/C 205/20)

(Language of the case: English)

Reference has been made to the Court of Justice of the European Communities by order of the High Court of Justice (England and Wales), Queen's Bench Division (Administrative Court), Divisional Court, of 20 May 2005, received at the Court Registry on 15 June 2005, for a preliminary ruling in the proceedings between The Queen on the application of Thames Water Utilities Ltd and South East London Division, Bromley Magistrates' Court, Intervener: Environment Agency, on the following question:

1. Whether sewage which escapes from a sewerage network maintained by a statutory sewerage undertaker pursuant to the Urban Waste Water Treatment Directive 91/271/EEC⁽¹⁾ ('UWWTD') and/or the Water Industry Act 1991 ('WIA 1991'), amounts to 'directive waste' for the purposes of the Directive 75/442/EEC⁽²⁾ (as amended by Directive 91/156/EEC⁽³⁾) ('the Waste Framework Directive' hereinafter, the 'WFD').
2. If the answer to (1) is in the affirmative, whether the aforesaid sewage:
 - (a) is excluded from the scope of 'directive waste' under the WFD by virtue of article 2(1)(b)(iv) of the WFD, in particular, by virtue of the UWWTD and/or the WIA 1991; or,

- (b) comes within article 2(2) of the WFD and is excluded from the scope of 'directive waste' under the WFD, in particular, by virtue of the UWWTD.

⁽¹⁾ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, OJ L 135, 30.05.1991, p. 40.

⁽²⁾ Council Directive 75/442/EEC of 15 July 1975 on waste, OJ L 194, 25.07.1975, p. 39.

⁽³⁾ Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste, OJ L 78, 26.03.1991, p. 32.

Action brought on 16 June 2005 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-254/05)

(2005/C 205/21)

(Language of the case: French)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 16 June 2005 by the Commission of the European Communities, represented by Bruno Stromsky, acting as Agent, with an address for service in Luxembourg.

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

1. declare that, by requiring automatic fire detection systems with point detectors lawfully manufactured or marketed in another Member State which do not have the 'EC' mark:
 - to comply with Belgian standard NBN S21-100;
 - to be subject to type approval, in this case by BOSEC, an obstacle made worse by the disproportionate costs which that approval incurs;
 - to undergo tests and checks in connection with that type approval which, essentially, duplicate the controls which have already been carried out under other procedures in another Member State,

the Kingdom of Belgium has failed to fulfil its obligations under Article 28 EC;

2. order the Kingdom of Belgium to pay the costs.