

Action brought on 14 February 2006 by the Commission of the European Communities against the Portuguese Republic

(Case C-90/06)

(2006/C 86/35)

(Language of the case: Portuguese)

An action against the Portuguese Republic was brought before the Court of Justice of the European Communities on 14 February 2006 by the Commission of the European Communities, represented by António Caeiros and Amparo Alcover, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

- declare, principally, that, in having failed to adopt the laws, regulations and administrative provisions needed in order to comply with Directive 2002/49/EC ⁽¹⁾ of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise, the Portuguese Republic has failed to fulfil its obligations under Article 14(1) of that directive;
- declare, in the alternative, that, in having omitted to inform the Commission immediately of any such provisions, the Portuguese Republic has failed to fulfil its obligations under Article 14(1) of Directive 2002/49/EC;
- order the Portuguese Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the Directive 2002/49 expired on 18 July 2004.

⁽¹⁾ OJ L 189 of 18.7.2002, p. 12.

Action brought on 14 February 2006 by the Commission of the European Communities against the Republic of Austria

(Case C-93/06)

(2006/C 86/36)

(Language of the case: German)

An action against the Republic of Austria was brought before the Court of Justice of the European Communities on 14

February 2006 by the Commission of the European Communities, represented by María Amparo Alcover San Pedro and Dr. Bernhard Schima, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. declare that, by failing to introduce the laws, regulations and administrative provisions necessary to implement Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC ⁽¹⁾ and, in any event, by failing to communicate them to the Commission, the Republic of Austria has failed to fulfil its obligations under Article 2(1) of that directive;
2. order the Republic of Austria to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing the Directive expired on 25 July 2004.

⁽¹⁾ OJ L 186, 25.07.2003, p. 34.

Action brought on 14 February 2006 by the Commission of the European Communities against the Republic of Austria

(Case C-94/06)

(2006/C 86/37)

(Language of the case: German)

An action against the Republic of Austria was brought before the Court of Justice of the European Communities on 14 February 2006 by the Commission of the European Communities, represented by M. Amparo Alcover San Pedro and B. Schima, acting as Agents, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2002/49/EC ⁽¹⁾ of the European Parliament and of the Council of 25 June 2002 on the assessment and management of environmental noise or, in any event, by failing to communicate those provisions to the Commission, the Republic of Austria has failed to fulfil its obligations under Article 14(1) of that directive;

2. order the Republic of Austria to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing Directive 2002/49 into national law expired on 18 July 2004.

(¹) OJ L 189, 18.7.2002, p. 12.

Reference for a preliminary ruling from the Högsta Domstolen by order of that court of 8 February 2006 in Freeport PLC v Olle Arnoldsson

(Case C-98/06)

(2006/C 86/38)

(Language of the case: Swedish)

Reference has been made to the Court of Justice of the European Communities by order of the Högsta Domstolen (Supreme Court), Sweden of 8 February 2006, received at the Court Registry on 20 February 2006, for a preliminary ruling in the proceedings between Freeport PLC, London, Great Britain and Olle Arnoldsson on the following questions:

1. Is an action based on alleged liability in damages for a joint-stock company as a consequence of a commitment undertaken to be regarded as being based on contract for the application of Article 6(1) of the First Brussels Regulation, even though the party which gave the commitment at the relevant time was neither a representative nor an agent of the company?
2. If the answer to the first question is in the affirmative: is it a precondition for jurisdiction under Article 6(1), in addition to the conditions expressly laid down therein, that the action against a defendant domiciled in the same State as the court was not brought solely in order to have an action against another defendant heard by a court other than that which would otherwise have had jurisdiction to hear the case?
3. If the answer to the first question is in the negative: should the likelihood of success of an action against the party

domiciled in the same State as the court otherwise be taken into account in the determination of whether there is such a risk of irreconcilable judgments for the purposes of Article 6(1)?

Action brought on 21 February 2006 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-100/06)

(2006/C 86/39)

(Language of the case: French)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 21 February 2006 by the Commission of the European Communities, represented by B. Schima and J. Hottiaux, acting as Agents, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2003/66/EC of 3 July 2003 amending Directive 94/2/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations, (¹) and, in any event, by not informing the Commission of them, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;
2. order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The time for complying with Directive 2003/66/EC expired on 30 June 2004.

(¹) OJ 2003 L 170, p. 10.