

It infringed essential procedural requirements by failing to grant the applicant a period in which to put the application in order, in breach of Article 44(6) of the Rules of Procedure of the Court of First Instance, misapplying Article 111 thereof to the present case and failing to hear the applicant before declaring the action inadmissible, in breach of the principle of the right to be heard which applies in all proceedings.

It infringed the principle of non-discrimination by denying the legal representative (letrado) of the Generalidad Valenciana a right which has been undisputed in previous cases in respect of representatives who have appeared before the Community courts in that same capacity.

Action brought on 7 September 2006 — Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

(Case C-367/06)

(2006/C 261/26)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: N. Yerrell, agent)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claims that the Court should:

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2003/41/EC of the European Parliament and of the Council of 3rd June 2003⁽¹⁾ on the activities and supervision of institutions for occupational retirement provision, or in any event by failing to notify those provisions to the Commission, the United Kingdom has failed to fulfil its obligations under the Directive; and
- order 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 23 September 2005.

⁽¹⁾ OJ L 235, 23.09.2003, p. 10 - 21

Action brought on 8 September 2006 — Commission of the European Communities v Republic of Austria

(Case C-369/06)

(2006/C 261/27)

Language of the case: German

Parties

Applicant: Commission of the European Communities (represented by: T. Scharf and K. Gross, Agents)

Defendant: Republic of Austria

Form of order sought

- declare that, by failing to transpose Commission Directive 2000/52/EC of 26 July 2000 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings⁽¹⁾, the Republic of Austria has failed to fulfil its obligations under both Article 2 of the Directive and the third paragraph of Article 249 EC;
- order the Republic of Austria to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the Directive expired on 31 July 2001.

⁽¹⁾ OJ 2000 L 193, p. 75.

Action brought on 8 September 2006 — Commission of the European Communities v Portuguese Republic

(Case C-370/06)

(2006/C 261/28)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: D. Maidani and P. Andrade, Agents)

Defendant: Portuguese Republic

Form of order sought

- a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/24/EC ⁽¹⁾ of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions or, in any case, by failing to communicate them to the Commission, the Portuguese Republic has failed to fulfil its obligations under that directive;
- an order that the Portuguese Republic should pay the costs.

Pleas in law and main arguments

The period allowed for transposition of the directive into domestic law expired on 5 May 2004.

⁽¹⁾ OJ 2001 L 125, p. 15

Action brought on 14 September 2006 — Commission of the European Communities v Portuguese Republic

(Case C-375/06)

(2006/C 261/29)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: A. Caeiros and B. Schima, Agents)

Defendant: Portuguese Republic

Form of order sought

- primarily, a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2003/105/EC ⁽¹⁾ of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, the Portuguese Republic has failed to fulfil its obligation under Article 2 of Directive 2003/105/EC;
- or, alternatively, a declaration that by failing forthwith to inform the Commission of such provisions, the Portuguese Republic has failed to fulfil its obligation under Article 2 of that directive;
- an order that the Portuguese Republic should pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of that directive into domestic law expired on 1 July 2005.

⁽¹⁾ OJ 2003 L 345, p. 97

Action brought on 14 September 2006 — Commission of the European Communities v Portuguese Republic

(Case C-376/06)

(2006/C 261/30)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: A. Caeiros and J.-B. Laignelot, Agents)

Defendant: Portuguese Republic

Form of order sought

- primarily, a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/42/EC ⁽¹⁾ of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, the Portuguese Republic has failed to fulfil its obligations under Directive 2001/42/EC;
- or, in the alternative, a declaration that, by failing forthwith to inform the Commission of such measures, the Portuguese Republic has failed to fulfil its obligations under Article 13 of Directive 2001/42/EC;
- an order that the Portuguese Republic should pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the directive into domestic law expired on 21 July 2004.

⁽¹⁾ OJ 2001 L 197, p. 30