

Pleas in law and main arguments

The appellant maintains that the contested order should be set aside on the following grounds:

The Court of First Instance erred in law in failing to seek out evidence by means of measures of instruction or inquiry for the opening of the archives of not only EPSO but also of the European Community Representation in Cyprus and/or the Commission in general;

As a result of the CFI's omission, the Respondents did not disclose all relevant correspondence between the European Community Representation in Cyprus and/or the Commission and/or EPSO. Therefore the appellant's rights regarding a fair hearing were infringed during the proceedings before the CFI.

Action brought on 22 May 2007 — Commission of the European Communities v Kingdom of Sweden

(Case C-246/07)

(2007/C 183/31)

Language of the case: Swedish

Parties

Applicant: Commission of the European Communities (represented by: G. Valero Jordana and C. Tufvesson, acting as Agents)

Defendant: Kingdom of Sweden

Form of order sought

- Declare that, by proposing unilaterally that a substance, PFOS (perfluorooctane sulphate), be added to Annex A to the Stockholm Convention on persistent organic pollutants, the Kingdom of Sweden has failed to fulfil its obligations under Article 10 EC and Article 300(1) EC;
- order the Kingdom of Sweden to pay the costs.

Pleas in law and main arguments

Sweden has proposed unilaterally that a substance, PFOS (perfluorooctane sulphate), be added to Annex A to the Stockholm Convention on persistent organic pollutants.

The Commission claims that Sweden's unilateral proposal of PFOS meant that the EC's international representation was

divided. Sweden acted unilaterally with regard to PFOS despite the fact that Sweden was aware that the Community was engaged in drafting legislation which included that substance. Sweden's action meant that the Community and Member States could not jointly present proposals for additions to the Stockholm Convention. Thus Sweden has failed to fulfil its obligations under Articles 10 EC and 300(1) EC.

Action brought on 23 May 2007 — Commission of the European Communities v Kingdom of the Netherlands

(Case C-249/07)

(2007/C 183/32)

Language of the case: Dutch

Parties

Applicant: Commission of the European Communities (represented by: M. Konstantinidis and S.B. Noë, acting as Agents)

Defendant: Kingdom of the Netherlands

Form of order sought

- Declare that, by introducing a system of prior authorisation for oysters and mussels that come lawfully from other Member States, belong to species indigenous to the Netherlands and are intended to be planted in Netherlands coastal waters, the Kingdom of the Netherlands has failed to fulfil its obligations under Articles 28 and 30 EC;
- order the Kingdom of the Netherlands to pay the costs.

Pleas in law and main arguments

The Netherlands legislation prohibiting the planting, without prior authorisation, of oysters and mussels originating from other Member States impedes intra-Community trade and market access for oysters and mussels from other Member States.

This national rule cannot be justified.