

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

**Judgment of the Court (Second Chamber) of 3 July 2008 —
Commission of the European Communities v Ireland**(Case C-215/06) ⁽¹⁾**(Failure of a Member State to fulfil obligations — No assessment of the environmental effects of projects within the scope of Directive 85/337/EEC — Regularisation after the event)**

(2008/C 260/03)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: D. Recchia and D. Lawunmi, Agents)

Defendant: Ireland (represented by: D. O'Hagan, Agent, J. Connolly SC and G. Simons BL)

Re:

Failure of a Member State to fulfil obligations — Articles 2, 4 and 5 to 10 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40) — Failure to adopt measures to ensure that projects which are within the scope of the directive are made subject to an impact assessment

Operative part of the judgment

The Court:

1) Declares that, by failing to adopt all measures necessary to ensure that:

- projects which are within the scope of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment either before or after amendment by Council Directive 97/11/EC of 3 March 1997 are, before they are executed in whole or in part, first, considered with regard to the need for an environmental impact assessment and, secondly, where those projects are likely to have significant effects on the environment

by virtue of their nature, size or location, that they are made subject to an assessment with regard to their effects in accordance with Articles 5 to 10 of Directive 85/337, and

- development consents given for, and the execution of work on, wind farm developments and associated works at Derrybrien, County Galway, were preceded by an assessment with regard to their environmental effects, in accordance with Articles 5 to 10 of Directive 85/337 either before or after amendment by Directive 97/11, Ireland has failed to fulfil its obligations under Articles 2, 4 and 5 to 10 of that directive;

2) Orders Ireland to pay the costs.

⁽¹⁾ OJ C 178, 29.7.2006.**Judgment of the Court (First Chamber) of 10 July 2008
(reference for a preliminary ruling from the Wojewódzki Sąd Administracyjny we Wrocławiu (Poland)) — Alicja Sosnowska v Dyrektor Izby Skarbowej we Wrocławiu Ośrodek Zamiejscowy w Wałbrzychu**(Case C-25/07) ⁽¹⁾**(VAT — Directives 67/227/EEC and 77/388/EEC — National legislation determining conditions for repayment of excess VAT — Principles of tax neutrality and proportionality — Special derogating measures)**

(2008/C 260/04)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny we Wrocławiu