

**Form of order sought**

- Declare that, by not drawing up an external emergency plan for the measures to be taken outside establishments subject to Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances <sup>(1)</sup>, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 11(1)(c) of that directive;
- order Grand Duchy of Luxembourg to pay the costs.

**Pleas in law and main arguments**

The applicant claims that drawing up an emergency plan for the measures to be taken outside establishments subject to Article 9 of Council Directive 96/82/EC is a fundamental requirement of that directive. The Grand Duchy of Luxembourg has failed to fulfil its obligations under the directive since it has not drawn up such plans for eight operational establishments situated on its territory.

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<sup>(1)</sup> OJ 1997, L 10, p. 13.

**Action brought on 2 July 2008 — Commission of the European Communities v Republic of Finland**


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(Case C-293/08)

(2008/C 223/53)

*Language of the case: Finnish*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Condou-Durande and I. Koskinen, acting as Agents)

*Defendant:* Republic of Finland

**Form of order sought**

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who

otherwise need international protection and the content of the protection granted and <sup>(1)</sup>, in any event, by failing to inform the Commission thereof, the Republic of Finland has failed to fulfil its obligations under that directive.

- order Republic of Finland to pay the costs.

**Pleas in law and main arguments**

The time-limit for transposition of the directive expired on 10 October 2006.

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<sup>(1)</sup> OJ L 304, p. 12.

**Reference for a preliminary ruling from the Cour d'appel de Montpellier (France) lodged on 3 July 2008 — Ministère public v Ignacio Pédro Santesteban Goicoechea**


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(Case C-296/08)

(2008/C 223/54)

*Language of the case: French*

**Referring court**

Cour d'appel de Montpellier

**Parties to the main proceedings**

*Applicant:* Ministère public

*Defendant:* Ignacio Pédro Santesteban Goicoechea

**Questions referred**

1. Does the failure of a Member State (in this case Spain) to give notification under Article 31(2) of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States <sup>(1)</sup> of its intention to continue to apply bilateral or multilateral agreements preclude, by reason of the word 'replace' in Article 31 of that Framework Decision, that Member State from using with another Member State (in this case France), which has made a statement under Article 32 of the Framework Decision, procedures other than that of the European arrest warrant?

2. If the answer to the above question is in the negative, do the provisos made by the executing Member State permit that State to apply a Convention of 27 September 1996, thus prior to 1 January 2004, but which entered into force in that executing State after that date of 1 January 2004 referred to in Article 32 of the Framework Decision?

(<sup>1</sup>) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

Italian authorities themselves in official communications, the failure to fulfil obligations complained of is a source of danger to human health and the environment and therefore constitutes infringement of Articles 4 and 5 of Directive 2006/12/EC.

(<sup>1</sup>) OJ L 114 of 27.4.2006, p. 9.

**Action brought on 3 July 2008 — Commission of the European Communities v Italian Republic**

(Case C-297/08)

(2008/C 223/55)

*Language of the case: Italian*

**Parties**

*Applicant:* Commission of the European Communities (represented by: C. Zadra, D. Recchia and J.-B. Laignelot, acting as Agents)

*Defendant:* Italian Republic

**Form of order sought**

— declare that, by failing to adopt, in respect of the Region of Campania, all the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without harming the environment and, in particular, by failing to establish an integrated and adequate network of disposal installations, the Italian Republic has failed to fulfil its obligations under Articles 4 and 5 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (<sup>1</sup>);

— order the Italian Republic to pay the costs.

**Pleas in law and main arguments**

By the present action, the Commission seeks to obtain a declaration that the Italian Republic has failed to create, in the Region of Campania, an integrated and adequate network of disposal installations suitable to enable self-sufficiency in waste disposal characterised by the criterion of proximity. As recognised by the

**Action brought on 3 July 2008 — Commission of the European Communities v Hellenic Republic**

(Case C-298/08)

(2008/C 223/56)

*Language of the case: Greek*

**Parties**

*Applicant:* Commission of the European Communities (represented by: N. Yerrell and I. Khatziannis)

*Defendant:* Hellenic Republic

**Form of order sought**

— declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Directive 2006/22/EC (<sup>1</sup>) of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, or in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;

— order the Hellenic Republic to pay the costs.

**Pleas in law and main arguments**

The time-limit for transposition of the directive into domestic law expired on 1 April 2007.

(<sup>1</sup>) OJ L 102, 11.4.2006, p. 35.