

2. Are national provisions which also use the model of the European pet passport, as contained in Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets, as proof of the identification and registration of dogs and in so doing make provision for third parties to make changes regarding the identification of the owner and the animal in Parts I to III of such a passport by means of identification stickers, technical regulations within the meaning of Article 1 of Directive 98/34/EC<sup>(3)</sup> of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, which under Article 8 of that directive must be communicated to the European Commission before they are enacted?

<sup>(1)</sup> OJ 2003 L 146, p. 1.

<sup>(2)</sup> OJ 2003 L 312, p. 1.

<sup>(3)</sup> OJ 1998 L 204, p. 37.

**Action brought on 28 January 2010 — European Commission v Kingdom of Spain**

(Case C-48/10)

(2010/C 100/35)

*Language of the case: Spanish*

**Parties**

*Applicant:* European Commission (represented by: A. Alcover San Pedro, Agent)

*Defendant:* Kingdom of Spain

**Form of order sought**

— declare that, by failing to adopt the measures necessary so that the authorities ensure — by granting authorisations in accordance with Articles 6 and 8 or, by adequately revising the conditions and, if appropriate, updating them — that installations are operated in accordance with the requirements laid down in Articles 3, 7, 9, 10, 13, 14(a) and (b), and 15(2) by 30 October 2007 at the latest, unless other specific provisions of Community law are applicable, the Kingdom of Spain has failed to fulfil its obligations under to Article 5(1) of Directive 2008/1/EC<sup>(1)</sup> of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (IPPC Directive).

— order the Kingdom of Spain to pay the costs.

**Pleas in law and main arguments**

Under Article 5(1) of Directive 2008/1/EC, the period for complying with the obligation to adapt existing installations to the requirements of the IPPC Directive, by granting an integrated environmental authorisation, lapsed on 30 October 2007.

On that date, many existing installations continued operating in Spain without that authorisation. Since the commencement of an action based on that infringement, the process of granting environmental authorisations has been speeded up without, however, bringing an end to that infringement within the period prescribed in the reasoned opinion or, according to the information available to the Commission, without bringing an end to it by the present date. According to the information supplied by the national authorities in their reply to the reasoned opinion, 533 existing installations were still operating without the mandatory IPPC authorisation on the date on which the period prescribed in that opinion, for complying with the obligations arising under Article 5(1) of the IPPC Directive, lapsed.

In those circumstances, it is clear that the Kingdom of Spain has still not fulfilled the obligations arising from that provision.

<sup>(1)</sup> OJ 2008 L 24, p. 8.

**Action brought on 29 January 2010 — European Commission v Italian Republic**

(Case C-50/10)

(2010/C 100/36)

*Language of the case: Italian*

**Parties**

*Applicant:* European Commission (represented by: A. Alcover San Pedro and C. Zadra, Agents)

*Defendant:* Italian Republic