

Despite those exceedances, Romania has not established plans for that zone which comply with Article 23(1) of that directive, in particular the obligation to adopt appropriate measures so that the period of exceeding the limit values for PM₁₀ may be as short as possible. That failure to fulfil obligations is a result of the prolonged period during which the exceedances were recorded, the lengthy timeframes laid down for putting an end to the exceedances, the lack of some of the elements set out in Section A of Annex XV to the directive, and the fact that the plans do not address all the main causes of the exceedances of the limit values and also do not lay down sufficient mandatory measures to ensure compliance with those limit values.

⁽¹⁾ OJ 2008 L 152, p. 1.

Action brought on 12 October 2018 — European Commission v Kingdom of Spain

(Case C-642/18)

(2018/C 445/15)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: S. Pardo Quintillán, E. Sanfrutos Cano and F. Thiran, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

The applicant claims that the Court should:

- declare, in accordance with the first paragraph of Article 258 of the Treaty on the Functioning of the European Union,
 - that, by not adopting waste management plans in accordance with the requirements of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, ⁽¹⁾ or by not having revised those plans in accordance with Directive 2008/98/EC concerning the Autonomous Communities of Aragon, the Balearic Islands, the Canary Islands, Madrid and the Autonomous City of Ceuta, the Kingdom of Spain has failed to fulfil its obligations under Article 28(1) and Article 30(1) of Directive 2008/98/EC; and
 - that, by not officially informing the Commission of the adoption or revision of the waste management plans concerning the Autonomous Communities of Aragon, the Balearic Islands, the Canary Islands, Madrid and the Autonomous City of Ceuta, the Kingdom of Spain has failed to fulfil its obligations under Article 33(1) of Directive 2008/98/EC;
- order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The Commission submits that the Kingdom of Spain has failed to fulfil its obligations under the abovementioned subparagraphs and articles of Directive 2008/98/EC by not adopting the required measures before 14 September 2017, the date laid down in its reasoned opinion of 14 July 2017.

⁽¹⁾ OJ 2008 L 312, p. 3.

Action brought on 23 October 2018 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-664/18)

(2018/C 445/16)

Language of the case: English

Parties

Applicant: European Commission (represented by: J. Norris-Usher, K. Petersen, Agents)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claims that the Court should:

- declare that: in continuing to exceed the annual limit values for NO₂ in zones UK0001 (Greater London Urban Area); UK0002 (West Midlands Urban Area); UK0003 (Greater Manchester Urban Area); UK 0004 (West Yorkshire Urban Area); UK 0013 (Teesside Urban Area); UK0014 (The Potteries); UK0018 (Kingston upon Hull); UK0019 (Southampton Urban Area); UK0024 (Glasgow Urban Area); UK0029 (Eastern); UK0031 (South East); UK0032 (East Midlands); UK0033 (North West & Merseyside); UK0034 (Yorkshire & Humberside); UK0035 (West Midlands) and UK0036 (North East) as well as with the hourly limit values for NO₂ in zone UK0001 (Greater London Urban Area) since the entry in to force on those limit values on 1 January 2010 the United Kingdom of Great Britain and Northern Ireland has failed to comply with Article 13 (1) of Directive 2008/50/EC ⁽¹⁾ in conjunction with Annex XI of the Directive;
- declare that: since 11 June 2010, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Article 23 (1) of Directive 2008/50/EC in conjunction with Annex XV of the Directive with regard to the above-mentioned zones and in particular the obligation under subparagraph 2 of Article 23 (1) to keep the exceedance period as short as possible;
- order the United Kingdom of Great Britain and Northern Ireland to pay the costs.

Pleas in law and main arguments

Since 2010, the annual limits for NO₂ have been exceeded in 16 zones and agglomerations and the hourly limits have been exceeded in one zone. These exceedances amount in and of themselves to a violation of Article 13 (1) of Directive 2008/50/EC of 21 May 2008 on ambient air quality and cleaner air for Europe, read in conjunction with annex XI of the same Directive.

Despite this persistent violation of Article 13 (1) read in conjunction with annex XI, of the Directive, the United Kingdom of Great Britain and Northern Ireland has failed to adopt air quality plans which set out appropriate measures so that the exceedance period can be kept as short as possible. The insufficiency of the measures foreseen by the United Kingdom of Great Britain and Northern Ireland is evidenced by the duration of the period in which the limit values have been exceeded, the magnitude of the exceedances and the compliance trend, as well as a detailed analysis of each of the respective air quality plans pertaining to the 16 zones and agglomerations which are the object of the present application.

⁽¹⁾ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ 2008, L 152, p. 1).