

— order the Republic of Bulgaria to pay the costs.

### **Pleas in law and main arguments**

First, the Commission claims that Bulgaria has infringed the provisions of Article 13(1) of Directive 2008/50/EC, in conjunction with Annex XI to that directive, in so far as it has systematically and continuously exceeded, in zone BG0006 (South-East), the hourly and daily limit values for SO<sub>2</sub>.

Secondly, the Commission maintains that Bulgaria has infringed the provisions of the second subparagraph of Article 23(1) of Directive 2008/50/EC, in conjunction with Section A of Annex XV to that directive, in so far as, as from 11 June 2010, it has not included in its air quality plans any appropriate measures intended to ensure that the period during which the limit values are exceeded is as short as possible.

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(<sup>1</sup>) 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)

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## **Action brought on 9 October 2019 — European Parliament v Council of the European Union**

**(Case C-743/19)**

(2019/C 399/41)

*Language of the case: Italian*

### **Parties**

*Applicant:* European Parliament (represented by: L. Visaggio, I. Anagnostopoulou, and C. Biz, acting as Agents)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicant claims that the Court should:

- annul Decision (EU) 2019/1199 of 13 June 2019; (<sup>1</sup>)
- order Council of the European Union to pay the costs.

### **Pleas in law and main arguments**

By its first plea in law, the Parliament claims that the author of the contested decision, be it the Council or all the Member States, does not have the power to determine the location of the seat of the European Labour Authority (ELA). The Parliament is of the opinion that:

Article 341 TFEU does not constitute an appropriate legal basis to determine the seat of bodies of the European Union such as decentralised agencies. In the present case, ELA was established by the EU legislature by Regulation (EU) 2019/1149, (<sup>2</sup>) adopted on the basis of Articles 46 and 48 TFEU by means of the ordinary legislative procedure. The Parliament considers that Article 341 TFEU cannot withdraw from the scope of competence of the EU legislature, which established ELA, the power to decide on the location of its seat, by attributing it instead to the Member States, and that therefore that provision cannot validly serve as the legal basis for the contested decision.

By the second plea in law, raised in the alternative in the event that the Court were to find that Article 341 TFEU provides an appropriate legal basis for the contested decision, the Parliament seeks to claim that that decision is vitiated by an absolute failure to state reasons. The Parliament considers that, as a legal act of the European Union, the contested decision is subject to the obligation to state reasons laid down in the second paragraph of Article 296 TFEU, which was not fulfilled in any way, since it utterly fails to specify the reasons why the city of Bratislava was chosen to host the seat of ELA.

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<sup>(1)</sup> Decision (EU) 2019/1199 taken by common accord between the Representatives of the Governments of the Member States of 13 June 2019 on the location of the seat of the European Labour Authority (OJ 2019 L 189, p. 68).

<sup>(2)</sup> Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (OJ 2019 L 186, p. 21).

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## Action brought on 10 October 2019 — European Commission v Italian Republic

(Case C-744/19)

(2019/C 399/42)

*Language of the case: Italian*

### Parties

*Applicant:* European Commission (represented by: R. Tricot, G. Gattinara, acting as Agents)

*Defendant:* Italian Republic

### Form of order sought

The Commission claims that the Court should:

- 1) declare that
  - by not adopting the laws, regulations and administrative provisions necessary to comply fully with Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom, <sup>(1)</sup>
  - and by not communicating such provisions to the Commission,
  - the Italian Republic has failed to meet its obligations under Article 106 of that directive;
- 2) order the Italian Republic to pay the costs of the proceedings.

### Pleas in law and main arguments

By its sole plea in law, the Commission claims that, by not adopting and not communicating to the Commission the laws, regulations and administrative provisions necessary to comply fully with Council Directive 2013/59, the Italian Republic has failed to meet its obligations under Article 106 of the directive.

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<sup>(1)</sup> OJ 2014 L 13, p. 1.

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