

*Pleas in law and main arguments*

The French Republic should have initiated, immediately after the Court's judgment, the necessary legislative process and adopted the appropriate amendments to comply with Directive 90/219/EEC.

Hitherto the amendments necessary at both the legislative and regulatory levels have still not been adopted, 14 years, and even ten and seven years respectively after the expiry of the period for compliance and more than two years after the Court's declaration of the failure to fulfil obligations.

<sup>(1)</sup> [2003] ECR I-14355.

<sup>(2)</sup> Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms 'GMMO' (OJ 1990 L 117, p. 1).

**Action brought on 8 February 2006 by the Commission of the European Communities against the Italian Republic**

**(Case C-81/06)**

(2006/C 86/31)

*(Language of the case: Italian)*

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 8 February 2006 by the Commission of the European Communities, represented by F. Simonetti and D. Recchia, acting as Agents.

The Commission claims that the Court should:

1. declare that failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2001/42/EC <sup>(1)</sup> of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment or, in any event, by failing to notify the Commission of such measures, the Italian Republic has failed to fulfil its obligations under Article 13(1) of that directive;
2. order the Italian Republic to pay the costs.

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The prescribed period for implementing the directive expired on 21 July 2004.

<sup>(1)</sup> Official Journal L 197 of 21/07/2001, p. 30.

**Action brought on 8 February 2006 by the Commission of the European Communities against the Italian Republic**

**(Case C-82/06)**

(2006/C 86/32)

*(Language of the case: Italian)*

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 8 February 2006 by the Commission of the European Communities, represented by D. Recchia and M. Konstantinidis, acting as Agents, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that by failing to draw up or communicate:

- a waste management plan in accordance with Article 7(1) of Directive 75/442/EEC <sup>(1)</sup>, as amended, for the Province of Rimini,
- a waste management plan including suitable sites or installations for the disposal of waste and hazardous waste in accordance with the fourth indent of Article 7(1) of Directive 75/442/EEC, as amended, for the Region of Lazio,
- a waste management plan in accordance with Article 6 of Directive 91/689/EEC <sup>(2)</sup> for the Regions of Friuli Venezia-Giulia and Puglia, the Autonomous Province of Bolzano Alto-Adige and the Province of Rimini,

the Italian Republic has failed to fulfil its obligations under Article 7(1) of Directive 75/442/EEC on waste, as amended, and Article 6 of Directive 91/689/EEC on hazardous waste;

2. order the Italian Republic to pay the costs.

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The Member States are required, under Articles 6 and 7 of the Waste Directive, as amended, and the Dangerous Waste Directive, respectively, to draw up and communicate to the Commission waste management plans.

The current situation in Italy is that the drawing up and communication of waste management plans have yet to be completed. At the present time, the Commission has yet to receive notification of all of the plans required under the two above-mentioned directives.

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<sup>(1)</sup> OJ L 194, p. 39.

<sup>(2)</sup> OJ L 377, p. 20.

**Action brought on 9 February 2006 by the Commission of the European Communities against the Italian Republic**

**(Case C-83/06)**

(2006/C 86/33)

*(Language of the case: Italian)*

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 9 February 2006 by the Commission of the European Communities, represented by C. Cattabriga, acting as Agent.

The Commission claims that the Court should:

1. declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2004/103/EC <sup>(1)</sup> of 7 October 2004 on identity and plant health checks of plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC <sup>(2)</sup>, which may be carried out at a place other than the point of entry into the Community or at a place close by, or in any event by failing to notify the Commission of such measures, the Italian Republic has failed to fulfil its obligations under Article 8(1) of that directive;
2. order the Italian Republic to pay the costs.

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The prescribed period for implementing the directive expired on 31 December 2004.

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<sup>(1)</sup> Official Journal L 313 of 12/10/2004, p. 16.

<sup>(2)</sup> Official Journal L 169 of 10/07/2000, p. 1.

**Action brought on 14 February 2006 by the Commission of the European Communities against the Portuguese Republic**

**(Case C-89/06)**

(2006/C 86/34)

*(Language of the case: Portuguese)*

An action against the Portuguese Republic was brought before the Court of Justice of the European Communities on 14 February 2006 by the Commission of the European Communities, represented by António Caeiros and Bernhard Schima, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

- declare, principally, that, in having failed to adopt the laws, regulations and administrative provisions needed in order to comply with Directive 2003/30/EC <sup>(1)</sup> of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport, the Portuguese Republic has failed to fulfil its obligations under Article 7(1) of that directive;
- declare, in the alternative, that, in having omitted to inform the Commission immediately of any such provisions, the Portuguese Republic has failed to fulfil its obligations under Article 7(1) of Directive 2003/30/EC;
- order the Portuguese Republic to pay the costs.

*Pleas in law and main arguments*

The period prescribed for transposition of the Directive 2003/30 expired on 31 December 2004.

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<sup>(1)</sup> OJ L 123 of 17.5.2003, p. 42.