

2. The Court of Justice of the European Union manifestly lacks jurisdiction to reply to the fourth question referred for a preliminary ruling by the Tribunal di Trani (Italy).
3. The fifth question referred for a preliminary ruling by the Tribunal di Trani is manifestly inadmissible.

**Judgment of the Court (Fifth Chamber) of 18 November 2010 —
ArchiMEDES v Commission**

(Case C-317/09 P)

(Appeal — Set-off of claims governed by separate legal orders — Application for repayment of sums advanced — Principle of *litis denuntiatio* — Rights of the defence and right to a fair hearing)

1. *Procedure — Statement of reasons for judgments — Scope (Statute of the Court of Justice, Art. 36) (see paras 76-78)*
2. *Appeals — Grounds — Plea submitted for the first time in the context of the appeal — Inadmissibility (see paras 88-91)*
3. *Appeals — Grounds — Grounds of a judgment vitiated by an infringement of Union law (see para 105)*
4. *Appeals — Grounds — Plea in law to the effect that there is no mechanism for the joinder of a third party (see paras 121-125)*

5. *Appeals — Grounds — Mere repetition of the pleas and arguments put forward before the Court of First Instance — Inadmissibility (see paras 130-134)*

Re

Appeal brought against the judgment of the Court of First Instance (Fifth Chamber) of 10 June 2009 in Joined Cases T-396/05 and T-397/05 *ArchiMEDES v Commission*, by which that court dismissed the action brought by the applicant at first instance seeking, first, annulment of the Commission's decisions to recover certain sums paid under a contract with the applicant and to set off their reciprocal claims and, second, an order for the Commission to pay the remainder of the balance due under that contract — Non-applicability of the principle of *litis denuntiatio* — Rejection of the claim for the co-contractors to be held jointly and severally liable — Infringement of the rights of the defence and of the right to a fair hearing.

Operative part

The Court:

1. Dismisses the appeal;
2. Orders Architecture, microclimat, énergies douces — Europe et Sud SARL (ArchiMEDES) to pay the costs.

**Judgment of the Court (Sixth Chamber) of 18 November 2010 —
Commission v Spain**

(Case C-48/10)

(Failure of a Member State to fulfil its obligations — Environment — Directive 2008/1/EC — Integrated pollution prevention and control — Conditions for the authorisation of existing installations — Obligation to ensure the operation of such installations in accordance with the requirements of the directive)