

Action brought on 1 August 2003 by the Commission of the European Communities against the Republic of Austria

(Case C-340/03)

(2003/C 226/23)

An action against the Republic of Austria was brought before the Court of Justice of the European Communities on 1 August 2003 by the Commission of the European Communities, represented by J.-C. Schiefferer and G. Valero Jordana, members of the legal service of the Commission of the European Communities, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. find that, by failing fully and correctly to implement the following provisions of Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture ⁽¹⁾, the Republic of Austria has failed to fulfil its obligations under the Treaty:
 - a) the definition contained in Article 2(a) of the Directive, in the Bundesland Steiermark (exceptions for small sewage treatment plants),
 - b) Article 6(b) concerning the information to be regularly provided to users under Annex II A, in Kärnten,
 - c) Article 9 in conjunction with Annexes II A, II B and II C in Vorarlberg and in conjunction with Annex II C in Kärnten and in Steiermark, and
 - d) the requirement to keep a record in accordance with Article 10 in Kärnten (paragraph 1(a) as regards the exemption of small installations, for which the Directive does not provide), in Steiermark (paragraph 1(b) and (c) as regards the composition and properties of the sludge and the type of treatment) and Vorarlberg (paragraph 1(a), (b) and (c) as regards quantities of sludge, the composition and properties of the sludge and the type of treatment),
2. order the Republic of Austria to pay the costs of the proceedings.

Pleas in law and main arguments

The Austrian Republic was to implement Directive 86/278/EEC by the date of its accession to the European Union on 1 January 1995.

Although that time-limit has passed, certain provisions of that directive have not been fully and correctly implemented in the Bundesländer of Kärnten, Steiermark and Vorarlberg.

⁽¹⁾ OJ 1986 L 181, p. 6.

Action brought on 1 August 2003 by the Commission of the European Communities against the Hellenic Republic

(Case C-341/03)

(2003/C 226/24)

An action against the Hellenic Republic was brought before the Court of Justice of the European Communities on 1 August 2003 by the Commission of the European Communities, represented by H. Michard, of its Legal Service.

The Commission claims that the Court should:

- a) declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community ⁽¹⁾, and in any event by failing to inform the Commission thereof, the Hellenic Republic has failed to fulfil its obligations under that directive;
- b) order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

1. Under the third paragraph of Article 249 (3) EC, directives are binding, on the Member States as to the result to be achieved, but leave to the national authorities the choice of form and methods.
2. In this case, Article 10(1) of Council Directive 98/49/EC of 29 June 1998 provides that Member States are to bring into force the laws, regulations and administrative provisions necessary to comply with the directive not later than 36 months following the date of its entry into force. The directive was brought into force on the day of its publication in the Official Journal of the European Communities (25 July 1998) and should therefore have been transposed into national law by 27 January 2001. Under Article 10(2) of the directive Member States were to inform the Commission of the measures of transposition adopted by 25 January 2002.

⁽¹⁾ OJ L 209, 25.7.1998, p. 46.

Action brought on 4 August 2003 by the Kingdom of Spain against the Council of the European Union

(Case C-342/03)

(2003/C 226/25)

An action against the Council of the European Union was brought before the Court of Justice of the European