Judgment of the Court (Third Chamber) of 24 March 2011 – Commission v Slovenia

(Case C-365/10)

(Failure of a Member State to fulfil obligations — Pollution control — Limit values for concentrations of PM_{10} in ambient air)

Actions for failure to fulfil obligations — Subject-matter of the dispute — Determination during the pre-litigation procedure — Obligation to present a coherent, detailed statement of objections — Extent (Art. 258 TFEU) (see paras 19-20)

Re:

Failure to fulfil obligations – Infringement of Article 5(1) of Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (OJ 1999 L 163, p. 41) and of Article 13(1) of 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) – Failure to take the measures necessary in order that concentrations of PM_{10} in ambient air should not exceed the limit values fixed.

Operative part

The Court:

1. Declares that, for the years 2005 to 2007, by exceeding the limit values for annual and daily concentrations of PM_{10} in ambient air, the Republic of Slovenia has failed to fulfil its obligations under Article 5(1) of Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air;

2. Orders the Republic of Slovenia to pay the costs.