Judgment of the Court (Sixth Chamber) of 12 January 2006 — *Commission* v *Italy*

(Case C-139/04)

(Failure of a Member State to fulfil obligations — Ambient air quality — Limit values)

Action for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 13)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 11 of Council Directive 96/62/EC of 27 September 1996 concerning ambient air quality assessment and management (OJ 1996 L 296, p. 55), in conjunction with Article 4(1) of that directive and 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)

Operative part:

The Court:

1. Declares that, by failing to forward to the Commission of the European Communities for 2001 all necessary information concerning the substances subject to 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, as required under Article 11 (1)(a)(i) and (ii) and (b) of Council Directive 96/62/EC of 27 September 1996 concerning ambient air quality assessment and management, the Italian Republic has failed to fulfil its obligations under Article 11 of Directive 96/62

in conjunction with Article 4(1) of that directive and with Directive 1999/30 and Article 1 of Commission Decision 2001/839/EC of 8 November 2001 laying down a questionnaire to be used for annual reporting on ambient air quality assessment under Directives 96/62 and 1999/30;

2. Orders the Italian Republic to pay the costs.

Judgment of the Court (Fifth Chamber) of 12 January 2006 — *Commission* v *United Kingdom*

(Case C-37/05)

(Failure of a Member State to fulfil obligations — Directive 85/337/EEC, as amended by Directive 97/11/EC — Assessment of the effects of projects on the environment — Consents granted without assessment)

Actions for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 7)

Re:

Failure of a Member State to fulfil obligations — Breach of Articles 2(1) and 4 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40), as amended by Council Directive 97/11/EC of 3 March 1997 (OJ 1997 L 73, p. 5) — Consents granted without assessment