Judgment of the Court (Sixth Chamber) of 4 March 2010 — Commission v Belgium

(Case C-258/09)

(Failure of a Member State to fulfil obligations — Directive 2008/1/EC — Integrated pollution prevention and control — Failure to transpose within the prescribed period)

Actions for failure to fulfil obligations — Examination of the 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. 23)

Re:

Failure to adopt or communicate, within the prescribed period, the measures necessary to comply, in the Walloon Region, with Article 5(1) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (OJ 2008 L 24, p. 8) — Existing installations liable to have an effect on emissions into the air, water and soil and on pollution.

Operative Part:

The Court:

1. Declares that, by authorising, in the Walloon Region, the operation of existing installations that do not comply with the requirements laid down in Articles 3, 7, 9, 10, 13, 14(a) and (b) and 15(2) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control, despite the time-limit of 30 October 2007 as laid down in Article 5(1) of that directive, the Kingdom of Belgium has failed to fulfil its obligations under the directive;

2. Orders the Kingdom of Belgium to pay the costs.