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)

1. *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. 258 TFEU) (see paras 30-35)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 31)*

3. *Actions for failure to fulfil obligations — Commission's right to bring judicial proceedings — To be exercised at its discretion (Art. 258 TFEU) (see para. 32)*

4. *Member States — Obligations — Failure to fulfil — Justification on basis of a possible failure to fulfil its obligations by another Member State — Not permissible (Art. 258 TFEU) (see para. 33)*

Re

Failure of a Member State to fulfil its obligations — Infringement of 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) — Installations that may have an effect on emissions into the air, water or soil and on pollution — Conditions for the authorisation of existing installations.

Operative part

The Court:

1. Declares that, by failing to take the necessary measures to ensure that the competent authorities see to it, by means of permits in accordance with Articles 6 and 8 of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control or, as appropriate, by reconsidering and, where necessary, by updating the

conditions, that existing installations operate in accordance with the requirements of Articles 3, 7, 9, 10 and 13, Article 14(a) and (b) and Article 15(2) of the directive not later than 30 October 2007, without prejudice to specific European Union legislation, the Kingdom of Spain has failed to fulfil its obligations under Article 5(1) of that directive;

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

Order of the Court (Seventh Chamber) of 19 November 2010 — Uznański v Poland

(Case C-143/10 P)

(Appeal — Article 119 of the Rules of Procedure — Action brought by a natural or legal person against a Member State — Court of First Instance manifestly lacking jurisdiction — Appeal manifestly unfounded)

1. *Procedure — Action brought by a natural or legal person against a Member State and seeking to have provisions of national law annulled — Union judicature manifestly lacking jurisdiction (Arts 13(2) TEU and 263 TFEU) (see paras 12-13)*

2. *Union law — Principles — Right to effective judicial protection — Infringement of Union law by the national authorities of a Member State — Bringing of proceedings before the Union judicature by the Commission or by another Member State and bringing of proceedings before the competent national courts by any natural or legal person — No prejudice to the effectiveness of judicial protection (Art. 6 TEU) (see paras 14-15)*