JUDGMENT OF THE COURT (Second Chamber)
7 March 2002 *

In Case C-39/01,

Commission of the European Communities, represented by R.B. Wainwright, acting as Agent, with an address for service in Luxembourg,

applicant,

v

United Kingdom of Great Britain and Northern Ireland, represented by R. Magrill, acting as Agent, assisted by R. Anderson, Barrister, with an address for service in Luxembourg,

defendant,

* Language of the case: English.

APPLICATION for a declaration that, by failing to adopt the laws, regulations and administrative measures necessary in order to comply with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ 1996 L 257, p. 26), or, in any event, by failing to communicate the same to the Commission, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive,

THE COURT (Second Chamber),

composed of: N. Colneric, President of the Chamber, R. Schintgen (Rapporteur) and V. Skouris, Judges,

Advocate General: C. Stix-Hackl,
Registrar: R. Grass,

having regard to the report of the Judge-Rapporteur,

after hearing the Opinion of the Advocate General at the sitting on 10 January 2002,

gives the following

Judgment

1 By application lodged at the Court Registry on 29 January 2001, the Commission of the European Communities brought an action under Article 226 EC for a declaration that, by failing to adopt the laws, regulations and administrative measures necessary in order to comply with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ 1996 L 257, p. 26), or, in any event, by failing to communicate the same to the Commission, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive.

2 Under the first subparagraph of Article 21(1) of Directive 96/61, the Member States were to bring into force the laws, regulations and administrative measures necessary in order to comply with that directive no later than three years after its entry into force, that is to say, by 30 October 1999, and were immediately to inform the Commission thereof.

3 On 18 February 2000, having received no information concerning measures taken by the United Kingdom to comply with Directive 96/61, the Commission gave that Member State formal notice to submit its observations within two months. The United Kingdom admitted that there had been a delay in the transposition of the directive, but stated that it would be completed in July 2000. On the expiry of that deadline, the Commission issued a reasoned opinion on 3 August 2000, calling on the United Kingdom to take the measures necessary to comply, within two months of notification of that opinion, with its obligations under the directive.

4 Since the United Kingdom replied, by letter of 7 December 2000, that the major part of Directive 96/61 had been transposed in England, Wales and Scotland but that its transposition had not yet been completed in Northern Ireland, Gibraltar and the off-shore installations of the United Kingdom, the Commission decided to bring the present action.

5 The Commission, pointing out the obligations incumbent on the Member States under Article 10 EC and the third paragraph of Article 249 EC, maintains that the United Kingdom was required to take all measures necessary to comply with Directive 96/61 within the prescribed period and to communicate the same to it forthwith.

6 The United Kingdom does not deny its failure to transpose Directive 96/61 within the prescribed period and states that the full transposition of that directive is under way.

7 Since the transposition of Directive 96/61 did not take place within the period prescribed in the reasoned opinion, the Commission's action must be regarded as well founded.

8 Consequently, it must be held that, by failing to adopt the laws, regulations and administrative measures necessary in order to comply with Council Directive 96/61, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive.

Costs

9 Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. Since the Commission has applied for costs and the United Kingdom has been unsuccessful, the latter must be ordered to pay the costs.

On those grounds,

THE COURT (Second Chamber),

hereby:

1. **Declares that, by failing to adopt the laws, regulations and administrative measures necessary in order to comply with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive;**

2. **Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.**

Colneric Schintgen Skouris

Delivered in open court in Luxembourg on 7 March 2002.

R. Grass

Registrar

N. Colneric

President of the Second Chamber