ORDER OF THE PRESIDENT OF THE FIFTH CHAMBER OF THE COURT
9 September 2002 *

In Case C-120/01,

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

applicant,

v

Ireland, represented by D.J. O'Hagan and C. O'Rourke, acting as Agents, assisted by N. Nyland, BL, with an address for service in Luxembourg,

defendant,

* Language of the case: English.

APPLICATION for a declaration that, by failing by 16 September 1999 to prepare and communicate to the Commission the plans, outlines and summaries required pursuant to Articles 11 and 4(1) of Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT), Ireland has failed to fulfil its obligations under that directive,

THE PRESIDENT OF THE FIFTH CHAMBER OF THE COURT

after hearing Advocate General Mischo

makes the following

Order

1 By application lodged at the Court Registry on 16 March 2001, the Commission of the European Communities brought an action pursuant to Article 226 EC for a declaration that, by failing by 16 September 1999 to prepare and communicate to the Commission the plans, outlines and summaries required pursuant to Articles 11 and 4(1) of Council Directive 96/59/EC of 16 September 1996 on

the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT), Ireland has failed to fulfil its obligations under that directive.

2 By letter of 15 July 2002 received at the Court Registry on 17 July 2002, the Commission informed the Court, in accordance with Article 78 of the Rules of Procedure, that it wished to discontinue the proceedings.

3 Ireland did not submit any observations relating to that discontinuance within the time allowed to it for that purpose.

4 Pursuant to the third indent of Article 69(5) of the Rules of Procedure, the parties should be ordered to bear their own costs.

On those grounds,

THE PRESIDENT OF THE FIFTH CHAMBER OF THE COURT

hereby orders:

1. Case C-120/01 is removed from the register.

2. **The Commission of the European Communities and Ireland shall bear their own costs.**

Luxembourg, 9 September 2002.

R. Grass

Registrar

P. Jann

President of the Fifth Chamber