

Intervener in support of the applicant: Slovak Republic (represented by: B. Ricziová, acting as Agent)

Defendants: European Parliament (represented by: A. Troupiotis and A. Neergaard, acting as Agents), Council of the European Union (represented by: E. Karlsson and M. Moore, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: K. Simonsson and C. Vrignon, acting as Agents)

Re:

Action for annulment — Annulment of the end of Article 1(2) of Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ 2009 L 70, p. 11) — Application of the directive to airports with the highest passenger movement in each Member State — Luxembourg-Findel airport — Breach of the principles of equal treatment, subsidiarity and proportionality

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Grand Duchy of Luxembourg to pay the costs;
3. Orders the Slovak Republic and the European Commission to bear their own costs.

⁽¹⁾ OJ C 180, 1.8.2009.

Judgment of the Court (Second Chamber) of 19 May 2011 — European Commission v Republic of Malta

(Case C-376/09) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Regulation (EC) No 2037/2000 — Article 4(4)(v) and Article 16 — Requirement to decommission fire protection systems and fire extinguishers containing halons for non critical uses on board ships — Exceptions — Critical uses of halons 1301 and 2402)

(2011/C 204/12)

Language of the case: English

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and E. Depasquale, acting as Agents)

Defendant: Republic of Malta (represented by: S. Camilleri and A. Buhagiar, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 4(4)(v) and Article 16 of Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer (OJ 2000 L 244, p. 1) — Limitation on the placing on the market and use of controlled substances — Halons — Requirement to decommission fire protection systems and fire extinguishers containing halons — Fire protection systems and extinguishers on ships

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 267, 7.11.2009.

Judgment of the Court (Second Chamber) of 12 May 2011 (reference for a preliminary ruling from the Sąd Najwyższy — Republic of Poland) — Polska Telefonia Cyfrowa sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej

(Case C-410/09) ⁽¹⁾

(Act concerning the conditions of accession to the European Union — Article 58 — Directive 2002/21/EC — Commission guidelines — No publication in the Official Journal of the European Union in the language of a Member State — Enforceability)

(2011/C 204/13)

Language of the case: Polish

Referring court

Sąd Najwyższy

Parties to the main proceedings

Applicant: Polska Telefonia Cyfrowa sp. z o.o.

Defendant: Prezes Urzędu Komunikacji Elektronicznej

In the presence of: Prezes Urzędu Ochrony Konkurencji i Konsumentów

Re:

Reference for a preliminary ruling — Sąd Najwyższy — Interpretation of Article 58 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ 2003 L 236, p. 33) — Publication of acts in the Official Journal of the European Union — Application by the regulatory authority of a Member State of Commission guidelines not published in the language of that State

Operative part of the judgment

Article 58 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union and the adjustments to the Treaties on which the European Union is founded must be interpreted as not precluding a national regulatory authority from referring to the Commission Guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services in a decision by which that national regulatory