

Action brought on 28 August 2009 — Commission of the European Communities v Republic of Malta

(Case C-351/09)

(2009/C 267/77)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: S. Pardo Quintillán, K. Xuereb, Agents)

Defendant: Republic of Malta

The applicant claims that the Court should:

— Declare that, the Republic of Malta,

(a) having failed to establish monitoring programmes for inland surface waters and make them operational in accordance with the first two paragraphs of Article 8 of Directive 2000/60/EC ⁽¹⁾

(b) having also failed to fulfil the obligation to submit summary reports of the monitoring programmes for inland surface waters in accordance with the second paragraph of Article 15 of that Directive,

is in breach of Articles 8 and 15 of the said Directive;

— Order the Republic of Malta to pay the costs.

Pleas in law and main arguments

According to Article 15(2) of the Directive, the latest date for submission of summary reports on monitoring programmes was 22 March 2007. Further, the obligation to submit the summary report regarding monitoring programmes for inland waters is independent from any obligation to submit the 1st Water Catchment Management Plan. To date, the summary report regarding monitoring programmes for inland surface waters has not been forthcoming. As a result, the Commission is of the opinion that the Republic of Malta has failed to fulfil obligations that it has under the second paragraph of Article 15 of the Directive.

In addition, on the basis of the above information provided by the Republic Malta, and by the lack of information concerning the summary report due by the Republic of Malta regarding monitoring programmes for inland surface waters, the Commission consequently takes the view that the Republic of Malta has failed, to date, to establish monitoring programmes for inland surface waters and make them operational in accordance with the first two paragraphs of Article 8 of the Directive. These programmes are essential in order to establish a

coherent and comprehensive overview of water status within each river basin district ⁽²⁾.

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy
OJ L 327, p. 1

⁽²⁾ Article 8(1) of Directive 2000/60/EC

Appeal brought on 2 September 2009 by Perfetti Van Melle SpA against the judgment of the Court of First Instance (Eighth Chamber) delivered on 1 July 2009 in Case T-16/08: Perfetti Van Melle SpA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Cloetta Fazer AB

(Case C-353/09 P)

(2009/C 267/78)

Language of the case: English

Parties

Appellant: Perfetti Van Melle SpA (represented by: P. Perani and P. Pozzi, avvocati)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Cloetta Fazer AB

Form of order sought

The appellant claims that the Court should:

— Uphold the appeal and, accordingly, set aside the judgment of the Court of First Instance, in Case T-16/08, in its entirety, in accordance with Article 61 of the Statute of the Court of Justice and Article 113 of the Rules of Procedure;

— Give final judgment — if the state of the proceedings so permits — by annulling the Decision of the OHIM Cancellation Division, rendered on 24 November 2005, ruling on Cancellation Action No. 941 C 973065 and order the defendants to bear the costs of the proceedings before the Court of First Instance and the Court of Justice, as well as those of the OHIM invalidity proceedings.

Pleas in law and main arguments

1. Legal Grounds

By the present appeal, Perfetti Van Melle S.p.A. challenges the judgment of the Court of First Instance in case T-16108 delivered on 1 July 2009 and notified on 2 July 2009.