

On the basis of the information provided to it, the Commission can only assume that, contrary to the requirements under Article 14 of Directive 99/31/EC, establishments and undertakings carrying out waste disposal operations without being subject to a permit did not, prior to 16 July 2002, prepare or present to the competent authorities, for their approval, a conditioning plan for each unlawful or unsupervised landfill site. Any landfill site that cannot be adapted to the requirements of that directive must be closed down immediately. Operating an unlawful landfill without a conditioning plan and without a permit constitutes an infringement of Article 14 of Directive 99/31/EC.

⁽¹⁾ OJ L 194, of 25.07.1975, p. 39.

⁽²⁾ OJ L 182, of 16.07.1999, p. 1.

⁽³⁾ OJ L 78, of 26.03.1991, p. 32.

Action brought on 29 November 2005 by the Commission against Ireland

(Case C-425/05)

(2006/C 48/28)

(Language of the case: English)

An action against Ireland was brought before the Court of Justice of the European Communities on 29.11.2005 by the Commission, represented by Mr. Ulrich Wölker and Mr. Michael Shotter, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. declare that, by failing to provide the information on methyl bromide referred to in Article 4(2)(iii), the information on halons referred to in Articles 4(4)(iv) and 5(3) and the information on the schedules and results of random checks on the import of controlled substances referred to in Article 20(3) of Regulation (EC) No 2037/2000 ⁽¹⁾ of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, Ireland has failed to fulfil its obligations under Articles 4(2)(iii), 4(4)(iv), 5(3) and 20(3) of the Regulation;
2. order Ireland to pay the costs.

Pleas in law and main arguments

Articles 4(2)(iii), 4(4)(iv), 5(3) and 20(3) of the Regulation provide for the submission of information to the Commission in relation to the main issues covered by the Regulation. The communication of this information — i.e. annual information

concerning methyl bromide and halons, together with information on the schedules and results of random checks on imports of controlled substances — is essential for the achievement of the objectives set by the Regulation and for the implementation of the engagements taken by the European Community according to the Vienna Convention for the Protection of the Ozone Layer and the obligations arising from the Montreal Protocol on Substances that Deplete the Ozone Layer, to which the Community is party after Council Decision 88/540/EEC ⁽²⁾.

To date Ireland has not communicated to the Commission the requisite information pursuant to the aforementioned articles of the Regulation.

⁽¹⁾ 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 L 244, 29.09.2000, p. 1-24.

⁽²⁾ OJ L 297, 31.10.1998, p. 8

Appeal brought on 7 December 2005 by Land Oberösterreich against the judgment delivered on 5 October 2005 by the Court of First Instance of the European Communities (Fourth Chamber) in Joined Cases T-366/03 and T-235/04

(Case C-439/05 P)

(2006/C 48/29)

(Language of the case: German)

An appeal against the judgment delivered on 5 October 2005 by the Court of First Instance of the European Communities (Fourth Chamber) in Joined Cases T-366/03 and T-235/04 was brought before the Court of Justice of the European Communities on 7 December 2005 by Land Oberösterreich (the Land of Upper Austria), represented by Franz Mittendorfer, Rechtsanwalt, established in Europaplatz 7, A-4020 Linz.

The appellant claims that the Court should:

- Set aside the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 5 October 2005 in Joined Cases T-366/03 and T-235/04 between Land Oberösterreich and Republic of Austria, as applicant, against the Commission of the European Communities, as defendant, ⁽¹⁾ due to a declaration of invalidity of Commission Decision 2003/653/EC of 2 September 2003 relating to national provisions on banning the use of genetically modified organisms in the region of Upper Austria notified by the Republic of Austria pursuant to Article 95(5) of the EC Treaty; ⁽²⁾