

Parties to the main proceedings

Applicant: The Queen, M and Others

Defendant: Her Majesty's Treasury

Re:

Reference for a preliminary ruling — House of Lords — Interpretation of Article 2(2) of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan (OJ 2002 L 139, p. 9) — Scope of the prohibition on making economic resources available to persons listed in Annex I — Social security or social assistance benefits provided by the State to such a person's spouse

Operative part of the judgment

Article 2(2) of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, as amended by Council Regulation (EC) No 561/2003 of 27 March 2003, must be construed as not applying to the provision by the State of social security or social assistance benefits to the spouse of a person designated by the committee created pursuant to Paragraph 6 of Resolution 1267 (1999) of the Security Council of the United Nations and included in the list in Annex I to that regulation, as amended, on the grounds only that the spouse lives with that person and will or may use some of those payments to pay for goods and services which the designated person also will consume or from which he also will benefit.

(¹) OJ C 260, 11.10.2008.

Judgment of the Court (Third Chamber) of 22 April 2010 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-346/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2001/80/EC — Pollution and nuisance — Combustion plants — Limitation of emissions of certain pollutants into the air — Directive not applied to the Lynemouth power plant (United Kingdom))

(2010/C 161/09)

Language of the case: English

Parties

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

Defendant: United Kingdom of Great Britain and Northern Ireland (represented by: L. Seeboruth, acting as Agent, and D. Wyatt QC)

Re:

Failure of a Member State to fulfil obligations — Infringement, so far as concerns the power plant in Lynemouth, Northumberland, of Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ 2001 L 309, p. 1) — Failure to have achieved significant reductions in emissions from that plant within the period prescribed in Article 4(3) of the directive

Operative part of the judgment

The Court:

1. Declares that, by failing to apply Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants to the power plant operated by Rio Tinto Alcan Smelting and Power (UK) Ltd in Lynemouth, in north-east England, 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.

(¹) OJ C 260, 11.10.2008.