

*Defendant:* Kingdom of Belgium (represented by: J.-C. Halleux and L. Van den Broeck, acting as Agents)

## Re:

Failure of a Member State to fulfil obligations — Infringement of Article 6 of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1) — Biometric passports containing digital fingerprints — Failure to issue such passports within the prescribed periods laid down by that regulation.

## Operative part of the judgment

*The Court:*

1. Declares that, by having failed to implement, in the prescribed period, the technical specifications relating to issuing biometric passports containing digital fingerprints, the Kingdom of Belgium has failed to fulfil its obligations under Article 6 of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States;
2. Orders the Kingdom of Belgium to pay the costs.

<sup>(1)</sup> OJ C 156, 01.6.2013.

## Action brought on 10 December 2013 — European Commission v Italian Republic

(Case C-653/13)

(2014/C 93/30)

*Language of the case:* Italian

## Parties

*Applicant:* European Commission (represented by: D. Recchia and E. Sanfrutos Cano, Agents)

*Defendant:* Italian Republic

## Form of order sought

The Commission claims that the Court should:

- declare that the Italian Republic has failed to fulfil its obligations under Article 260(1) TFEU by failing to adopt all the measures necessary to comply with the judgment of the Court of Justice of the European Union in Case C-297/08 *Commission v Italy* [2010], in which it was held that, by failing to adopt, for the region of Campania, all the measures necessary to ensure that waste is recovered and disposed of without endangering human health and without harming the environment and, in particular, by failing to establish an integrated and adequate network of disposal installations, the Italian Republic had failed to fulfil its obligations under Articles 4 and 5 of Directive 2006/12/EC; <sup>(1)</sup>
- order the Italian Republic to pay the Commission a daily penalty of EUR 256 819,20 (that is, EUR 85 606,40 per day

per installation category), minus any reductions which may follow from the gradual reduction formula proposed, from the day of delivery of the judgment in the present case until the day on which the judgment in Case C-297/08 is complied with;

- order the Italian Republic to pay the Commission a lump sum, that sum being the product of multiplying a daily sum of EUR 28 089,60 by the number of days of continued infringement from the day on which the judgment in Case C-297/08 was delivered until the day of delivery of the judgment in the present case;
- order the Italian Republic to pay the costs.

## Pleas in law and main arguments

The Commission claims that Italy has failed to adopt the measures necessary to comply with the judgment of the Court in Case C-297/08. According to the Commission, the proposed penalty (a daily penalty payment plus a lump sum payment) is commensurate with the seriousness and duration of the infringement and takes into account the need to ensure that the penalty is a deterrent against further infringements.

<sup>(1)</sup> Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ 2006 L 11, p. 9).

## Request for a preliminary ruling from the Tribunal do Comércio de Lisboa (Portugal) lodged on 16 December 2013 — Portuguese State v Massa Insolvente do Banco Privado Português SA, em liquidação

(Case C-667/13)

(2014/C 93/31)

*Language of the case:* Portuguese

## Referring court

Tribunal do Comércio de Lisboa

## Parties to the main proceedings

*Applicant:* Portuguese State

*Defendant:* Massa Insolvente do Banco Privado Português SA, em liquidação

## Questions referred

1. Is the Decision <sup>(1)</sup> vitiated by failure to state adequate reasons on the ground that:
  - (a) it failed to state the reason why the guarantee provided by the Portuguese State affects trade between Member States?
  - (b) it failed to specify the reason why the aid granted in the form of a guarantee, which was initially considered to be covered by Article 107(3) TFEU, was then declared to be incompatible with the common market?