

3. The General Court committed an error of law by considering that the EUCuTF and its members were not individually affected by Implementing Regulation 2015/408.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80(7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution. OJ L 67, p. 18

Action brought on 13 July 2016 — European Commission v Kingdom of Spain

(Case C-388/16)

(2016/C 314/22)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: L. Nicolae and S. Pardo Quintillán, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

The applicant claims that the Court should:

- Declare that the Kingdom of Spain has failed to fulfil its obligations under Article 260 TFEU, in that it has not adopted the measures necessary to comply with the judgment of the Court of 11 December 2014 in Case C-576/13, ⁽¹⁾ *Commission v Spain*, relating to the failure by the Kingdom of Spain to fulfil its obligations under Article 49 TFEU.
- Order the Kingdom of Spain to pay to the Commission a penalty payment of EUR 134 107,2 for every day of delay in complying with the judgment in Case C-576/13, from the date on which the judgment in this case is delivered until the date on which the judgment in Case C-576/13 is fully complied with.
- Order the Kingdom of Spain to pay to the Commission a lump sum, the amount of which is calculated by multiplying a daily amount of EUR 27 522 by the number of days on which the infringement continues from the date on which the judgment in Case C-576/13 was delivered until:
- the date on which the Kingdom of Spain adopts the measures necessary to comply with the judgment in Case C-576/13, if the Court holds that that adoption has taken place before judgment in this case is delivered,
- the date on which the judgment in this case is delivered, if the judgment in Case C-576/13 has not been fully complied with by that date.
- Order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The Kingdom of Spain has not adopted the measures necessary to comply with the judgment of the Court of Justice of 11 December 2014 in Case C-576/13, *Commission v Spain*.

⁽¹⁾ EU: C: 2014: 2430