

maximum amount committed by the Commission'. According to the appellant, it is clear that in the present case the General Court carried out a substantively inaccurate assessment of the facts on the file submitted in the proceedings. In essence, the General Court distorted the evidence put forward by denying the existence of a clear causal link between the Commission's conduct and the loss sustained by the appellant. Thus, in stating the grounds for its decision, the General Court failed to consider circumstances already relied on in the application at first instance or the observations subsequently submitted. It is clear from the appellant's submissions in particular that the alleged failure on the part of the Commission is of an ancillary, not an essential nature, and consists in a delay in supplementing the documentation in relation to a project that is fully completed.

⁽¹⁾ Regulation of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) (OJ 2000 L 192, p. 1).

⁽²⁾ Standard Administrative Provisions annexed to the Grant Agreement.

Action brought on 13 July 2011 — European Commission v Ireland

(Case C-374/11)

(2011/C 282/24)

Language of the case: English

Parties

Applicant: European Commission (represented by: E. White, I. Hadjiyiannis, A. Marghelis, agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that, by failing to take the necessary measures to comply with the judgment of this Court in Case C-188/08 *Commission v Ireland*, Ireland has failed to fulfil its obligations under Article 260 TFEU;
- order Ireland to pay to the Commission a lump sum of EUR 4 771,20 multiplied by the number of days between the judgment in Case C-188/08 and the judgment in the present proceedings (or full compliance by Ireland with the judgment in Case C-188/08 if that should be achieved during the pendency of these proceedings);
- order Ireland to pay to the Commission a daily penalty payment of EUR 26 173,44 from the date of the judgment in the present proceedings to the date of compliance by Ireland with the judgment in Case C-188/08; and
- order Ireland to pay the costs of this action.

Pleas in law and main arguments

More than one and a half years have elapsed since the Court's judgment in Case C-188/08. The Commission considers that this should have been sufficient time for Ireland to comply with the judgment of the Court. It notes, indeed, that Ireland

announced that it intended to have the required legislation adopted by the end of 2010. However that goal has not been respected and Ireland does not appear to be close to achieving full compliance. Accordingly, the Commission considers that Ireland has failed to satisfy its obligation under Article 260(1) TFEU.

Reference for a preliminary ruling from the Cour constitutionnelle (Belgium) lodged on 15 July 2011 — Belgacom SA, Mobistar SA, KPN Group Belgium SA (formerly 'Base') v Etat belge

(Case C-375/11)

(2011/C 282/25)

Language of the case: French

Referring court

Cour constitutionnelle

Parties to the main proceedings

Applicants: Belgacom SA, Mobistar SA, KPN Group Belgium SA (formerly 'Base')

Defendant: Etat belge

Questions referred

1. Do Articles 3, 12 and 13 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) ⁽¹⁾, as they currently apply, permit Member States to charge operators holding individual rights to use mobile phone frequencies for a period of fifteen years, in the context of authorisations to install and operate on their territory mobile phone networks issued under the scheme instituted under the former legal framework, a one-off fee for the renewal of their individual rights to use frequencies the amount of which, relating to the number of frequencies and months to which the rights of use relate, is calculated on the basis of the former one-off grant fee that was associated with the issue of the aforementioned authorisations, when that one-off fee is additional to both an annual charge for making frequencies available (intended first and foremost to cover the costs of making frequencies available while at the same time also partially reflecting the value of frequencies, the purpose of the one-off fee and the annual charge being to encourage optimal use of the frequencies) and a charge covering the cost of managing the authorisation?
2. Do Articles 3, 12 and 13 of the same Authorisation Directive permit the Member States to charge operators hoping to acquire new rights to use mobile phone frequencies a one-off fee the amount of which is determined at auction on the assignment of frequencies, in order to reflect the value of frequencies, when that one-off fee is additional to both an annual charge for making frequencies available (intended first and foremost to cover the costs of