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(¹) OJ C 30, 29.1.2011.

Judgment of the Court (Third Chamber) of 19 April 2012 — Tomra Systems ASA, Tomra Europe AS, Tomra Systems GmbH, Tomra Systems BV, Tomra Leergutsysteme GmbH, Tomra Systems AB, Tomra Butikksystemer AS v European Commission

(Case C-549/10 P) (¹)

(Appeal — Competition — Dominant position — Abuse — Market for machines for the collection of used beverage containers — Decision finding an infringement of Article 82 EC and Article 54 of the EEA Agreement — Exclusivity agreements, quantity commitments and loyalty rebates)

(2012/C 165/09)

Language of the case: English

Parties

Appellants: Tomra Systems ASA, Tomra Europe AS, Tomra Systems GmbH, Tomra Systems BV, Tomra Leergutsysteme GmbH, Tomra Systems AB, Tomra Butikksystemer AS (represented by: O. W. Brouwer, advocaat, J. Midthjell, advokat and A. J. Ryan, solicitor)

Other party to the proceedings: European Commission (represented by: E. Gippini Fournier and N. Khan, acting as Agents)

Re:

Appeal against the judgment of the General Court (Fifth Chamber) delivered on 9 September 2010 in Case T-155/06 *Tomra Systems ASA and Others v European Commission* dismissing an action for annulment of the Commission's decision of 29 March 2006 relating to a proceeding under Article 82 of the EC Treaty and Article 54 of the EEA Agreement (Case COMP/E-1/38.113 — Prokent/Tomra) imposing a fine of EUR 24 million on the appellants for abusing their dominant position by engaging in practices involving exclusivity agreements, quantity commitments and loyalty rebates in order to prevent or delay the entry of other manufacturers on the market for machines for the collection of used beverage containers in Austria, Germany, the Netherlands, Norway and Sweden, and, in the alternative, an application for annulment or substantial reduction of the fine.

Operative part of the judgment

The Court:

1. Dismisses the appeal;

2. Orders Tomra Systems ASA, Tomra Europe AS, Tomra Systems GmbH, Tomra Systems BV, Tomra Leergutsysteme GmbH, Tomra Systems AB and Tomra Butikksystemer AS to pay the costs.

(¹) OJ C 63, 26.2.2011.

Judgment of the Court (Third Chamber) of 19 April 2012 (reference for a preliminary ruling from the Conseil d'État (Belgium)) — Pro-Braine ASBL and Others v The Commune of Braine-le-Château

(Case C-121/11) (¹)

(Directive 1999/31/EC — Landfill of waste — Directive 85/337/EEC — Assessment of the effects of certain public and private projects on the environment — Decision relating to the carrying on of operations at an authorised landfill site, in the absence of an Environmental Impact Assessment — Concept of 'consent')

(2012/C 165/10)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: Pro-Braine ASBL, Michel Bernard, Charlotte de Lantsheere

Defendant: The Commune of Braine-le-Château

Intervener: Veolia es treatment SA

Re:

Reference for a preliminary ruling — Conseil d'État (Belgium) — Interpretation of Article 14(b) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1) and of Article 1(2) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40) — Decision relating to the carrying on of operations at an authorised landfill site, in the absence of an Environmental Impact Assessment — Concept of 'consent' — Scope

Operative part of the judgment

The definitive decision relating to the carrying on of operations at an existing landfill site, taken on the basis of a conditioning plan, pursuant to Article 14(b) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, does not constitute a 'consent' within the meaning of Article 1(2) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003, unless that decision authorises a change to or extension of

that installation or site, through works or interventions involving alterations to its physical aspect, which may have significant adverse effects on the environment within the meaning of point 13 of Annex II to Directive 85/337, and thus constitute a 'project' within the meaning of Article 1(2) of that Directive.

(¹) OJ C 152, 21.5.2011.

**Judgment of the Court (Sixth Chamber) of 19 April 2012
— European Commission v Hellenic Republic**

(Case C-297/11) (¹)

(Failure of a Member State to fulfil obligations — Directive 2000/60/EC — European Union water policy — River basin management plan — Publication — Public information and consultation — Failure to notify the Commission)

(2012/C 165/11)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: A. Marghelis and I. Hadjiyiannis, acting as Agents)

Defendant: Hellenic Republic (represented by: G. Karipsiadis, acting as Agent)

Re:

Failure of Member State to fulfil its obligations — Infringement of Articles 13(1), (2), (3) and (6), 14(1)(c) and 15(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ 2000 L 327, p. 1) — River basin management plans — Publication — Information and consultation of public — Failure to send copies of management plans to the Commission

Operative part of the judgment

The Court:

1. Declares that, by having failed to draw up, by 22 December 2009, the river basin management plans for both river basins located entirely within its own territory and international river basins, and by having failed to send copies of those plans, by 22 March 2010, to the European Commission, the Hellenic Republic has failed to fulfil its obligations under Articles 13(1) to (3) and (6) and 15(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy and, in addition, by having failed to institute, by 22 December 2008, the public information and consultation procedure regarding the draft river basin management plans, the Hellenic Republic has failed to fulfil its obligations under Article 14(1)(c) of that directive;

2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 238, 13.8.2011.

Reference for a preliminary ruling from the Sąd Rejonowy w Zakopanem (Poland), lodged on 23 January 2012 — Criminal proceedings against Wojciech Ziemiński and Andrzej Kozak

(Case C-31/12)

(2012/C 165/12)

Language of the case: Polish

Referring court

Sąd Rejonowy w Zakopanem

Parties to the main proceedings

Wojciech Ziemiński, Andrzej Kozak

Question referred

Must Article 1.11 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (¹) be interpreted as meaning that the technical regulations, the draft of which must be communicated to the Commission pursuant to Article 8(1) of that directive, also include a legislative provision which defines the statutory concepts and prohibitions which are described and set out in Article 29 of the Ustawa z dnia 19 listopada 2009 roku o grach hazardowych (Polish Law of 19 November 2009 on games of chance) (Dz. U. No 201, position 1540, as amended)?

(¹) OJ 1998 L 204, p. 37.

Reference for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Slovak Republic), lodged on 10 February 2012 — Slovenská sporiteľňa, a.s. v Protimonopolný úrad Slovenskej republiky

(Case C-68/12)

(2012/C 165/13)

Language of the case: Slovak

Referring court

Najvyšší súd Slovenskej republiky