

- (2) Incorrect interpretation and application of a contractual clause and manifestly incorrect assessment of the evidence.
- The General Court erred as to the interpretation of clause II.22., Financial audits and controls, of Annex II to the agreement that was signed, mistakenly rejecting claims in that regard by the applicant/appellant.
- (3) Manifestly incorrect assessment of the evidence and defective reasoning.
- The General Court erred as it manifestly distorted key evidence that was relied on by the appellant and admitted by the respondent.

Action brought on 15 September 2017 — European Commission v Kingdom of Belgium

(Case C-543/17)

(2017/C 374/32)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Hottiaux, L. Nicolae and G. von Rintelen, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

- Declare that, by failing, by 1 January 2016 at the latest, to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ 2014 L 155, p. 1) or, in any event, by failing to communicate those provisions to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under Article 13 of that directive;
- Order the Kingdom of Belgium to pay, in accordance with Article 260(3) TFEU, a fine in the sum of EUR 54 639,36 per diem from the date of delivery of the judgment in this action for failure to fulfil the obligation of communicating the measures transposing Directive 2014/61;
- Order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

By virtue of Article 13 of Directive 2014/61, the Member States were required to adopt the national transposing measures by 1 January 2016 at the latest. The Commission is of the view that the Kingdom of Belgium failed to fulfil its obligations under that provision.

In its action, the Commission proposes that a daily fine of EUR 54 639,36 be imposed on the Kingdom of Belgium.

Order of the President of the Second Chamber of the Court of 14 July 2017 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Umweltverband WWF Österreich v Landeshauptmann von Tirol

(Case C-663/15) ⁽¹⁾

(2017/C 374/33)

Language of the case: German

The President of the Second Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 111, 29.3.2016.