

2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 37, 13.2.2010.

Judgment of the Court (Eighth Chamber) of 28 October 2010 — European Commission v Kingdom of Belgium

(Case C-41/10) (¹)

(Failure of a Member State to fulfil obligations — Direct insurance other than life assurance — Directives 73/239/EEC and 92/49/EEC — Mutual societies active in the supplementary sickness insurance market — Incorrect or incomplete transposition)

(2010/C 346/34)

Language of the case: French

Parties

Applicant: European Commission (represented by: G. Rozet and N. Yerrell, acting as Agents)

Defendant: Kingdom of Belgium (represented by: M. Jacobs and L. Van den Broeck, acting as Agents)

Re:

Failure of Member States to fulfil obligations — Incorrect and incomplete transposition of Articles 6, 8, 15, 16 and 17 of Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ 1973 L 228, p. 3) and of Articles 20, 21 and 22 of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) (OJ 1992 L 228, p. 1)

Operative part of the judgment

The Court:

1. Declares that, by its incorrect and incomplete transposition of First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance, as amended by Directive 2002/13/EC of the European Parliament and of the Council of 5 March 2002, and Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life

insurance Directive), the Kingdom of Belgium has failed to fulfil its obligations under, in particular, Articles 6, 8, 15, 16 and 17 of Directive 73/129, as amended by Directive 2002/13, and Articles 20, 21 and 22 of Directive 92/49;

2. Orders the Kingdom of Belgium to pay the costs.

(¹) OJ C 80, 27.3.2010.

Order of the Court of 24 June 2010 — Kronoply GmbH & Co. KG v European Commission

(Case C-117/09 P) (¹)

(Appeal — State aid — Application for aid intended to amend aid previously granted to the recipient undertaking and notified to the Commission after the investment project had been fully completed — Criteria of the incentive effect and of necessity)

(2010/C 346/35)

Language of the case: German

Parties

Appellant: Kronoply GmbH & Co. KG (represented by: R. Nierer and L. Gordalla, Rechtsanwälte)

Other party to the proceedings: European Commission (represented by: K. Gross, V. Kreuzschitz and T. Scharf, acting as Agents)

Re:

Appeal against the judgment of the Court of First Instance (Fifth Chamber) of 14 January 2009 in Case T-162/06 *Kronoply v Commission* by which the Court dismissed the application for annulment of Commission Decision 2006/262/EC of 21 September 2005 declaring State aid which Germany is planning to implement for the appellant to be incompatible with the common market (OJ 2006 L 94, p. 50) — Proposed aid intended to amend aid previously granted to the recipient undertaking notified to the Commission after the investment project had been fully completed by means of the aid initially approved — Incorrect assessment of the incentive effect and of the necessity of the aid at issue

Operative part of the order

1. The appeal is dismissed.
2. Kronoply GmbH & Co. KG is ordered to pay the costs.

(¹) OJ C 141, 20.6.2009.