

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 11 December 2012 — European Commission v Kingdom of Spain(Case C-610/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid — Judgment of the Court establishing a failure to fulfil obligations — Preliminary objection of inadmissibility — Article 228(2) EC and Article 260(2) TFEU — Failure to comply with the judgment — Financial penalties)

(2013/C 38/03)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: B. Stromsky and C. Urraca Caviedes, acting as Agents)

Defendant: Kingdom of Spain (represented by: N. Díaz Abad, acting as Agent)

Supported by: Czech Republic (represented by: M. Smolek, D. Hadroušek and J. Očková, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Art. 260 TFEU — Non-compliance with the judgment of the Court of Justice of 2 July 2002 in Case C-499/99 (ECR I-6031) — Application for the imposition of a penalty payment

Operative part of the judgment

The Court:

1. Declares that, by failing, by the date of expiry of the period prescribed in the supplementary letter of formal notice issued on 18 March 2010 by the European Commission pursuant to Article 260(2) TFEU, to adopt all the measures necessary to comply with the judgment of 2 July 2002 in Case C-499/99 *Commission v Spain*, relating, *inter alia*, to the recovery from *Industrias Domésticas SA* of aid which, under Commission Decision 91/1/EEC of 20 December 1989 concerning aid in Spain which the central and several autonomous governments granted to *Magefesa*, producer of domestic articles of stainless steel and small electric appliances, was found to be unlawful and incompatible with the common market, the Kingdom of Spain has failed to fulfil its obligations under Article 260(1) TFEU;

2. Orders the Kingdom of Spain to pay to the European Commission, into the 'European Union own resources' account, a penalty payment of EUR 50 000 for each day of delay in adopting the measures necessary to comply with the judgment in *Commission v Spain*, from the date of delivery of the present judgment until the date on which the judgment in *Commission v Spain* is complied with;

3. Orders the Kingdom of Spain to pay to the European Commission, into the 'European Union own resources' account, a lump sum of EUR 20 million;

4. Orders the Kingdom of Spain to pay the costs;

5. Orders the Czech Republic to bear its own costs.

⁽¹⁾ OJ C 72, 5.3.2011.

Judgment of the Court (First Chamber) of 13 December 2012 (request for a preliminary ruling from the Sąd Okręgowy we Wrocławiu — Poland) — Iwona Szyrocka v SiGer Technologie GmbH

(Case C-215/11) ⁽¹⁾

(Regulation (EC) No 1896/2006 — European order for payment procedure — Application for an order which does not comply with the formal requirements laid down by national law — Exhaustive nature of the requirements to be met by the application — Whether it is possible to claim the interest accrued up to the date of payment of the principal)

(2013/C 38/04)

Language of the case: Polish

Referring court

Sąd Okręgowy we Wrocławiu

Parties to the main proceedings

Applicant: Iwona Szyrocka