

Operative part of the judgment

The Court:

1. Declares that, by adopting Articles 137(8), 138, third indent, 153 and 157(3) of the Programme Law (I) of 27 December 2006, in the version in force since 1 April 2007, namely by imposing a prior declaration requirement on self-employed service providers established in Member States other than the Kingdom of Belgium in respect of their activity in Belgium, the Kingdom of Belgium has failed to fulfil its obligations under Article 56 TFEU;
2. Orders the Kingdom of Belgium to pay the costs;
3. Orders the Kingdom of Denmark to bear its own costs.

(¹) OJ C 72, 5.3.2011.

Judgment of the Court (First Chamber) of 19 December 2012 — European Commission v Italian Republic

(Case C-68/11) (¹)

(Failure of a Member State to fulfil obligations — Environment — Directive 1999/30/EC — Pollution control — Limit values for concentrations of PM₁₀ in ambient air)

(2013/C 46/04)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and S. Mortoni, Agents)

Defendant: Italian Republic (represented by: G. Palmieri, Agent, and by S. Varone, avvocato dello Stato)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 5(1) of Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (OJ 1999 L 163, p. 41; now Article 13 of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ 2008 L 152, p. 1) — Limit values for PM₁₀ particles in ambient air exceeded from 2005

Operative part of the judgment

The Court:

1. Declares that, by having failed to ensure that, for the years 2006 and 2007, concentrations of PM₁₀ in ambient air did not exceed the limit values set in Article 5(1) of Council Directive 1999/30/EC of 22 April 1999 relating to limit values for

sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air in the 55 Italian zones and agglomerations referred to in the European Commission's letter of formal notice of 2 February 2009, the Italian Republic has failed to fulfil its obligations under that provision;

2. Dismisses the action as to the remainder;
3. Orders the European Commission and the Italian Republic to bear their own costs.

(¹) OJ C 145, 14.5.2011.

Judgment of the Court (Second Chamber) of 19 December 2012 (request for a preliminary ruling from the Gerechtshof te 's-Gravenhage — Netherlands) — Leno Merken BV v Hagelkruis Beheer BV

(Case C-149/11) (¹)

(Community trade mark — Regulation (EC) No 207/2009 — Article 15(1) — 'Genuine use of the trade mark' — Territorial scope of use — Use of the Community trade mark in a single Member State — Whether sufficient)

(2013/C 46/05)

Language of the case: Dutch

Referring court

Gerechtshof te 's-Gravenhage

Parties to the main proceedings

Applicant: Leno Merken BV

Defendant: Hagelkruis Beheer BV

Re:

Request for a preliminary ruling — Gerechtshof te's-Gravenhage — Interpretation of Article 15(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1) — Use of the mark — Genuine use — Meaning — Use of a Community trade mark on the territory of just one Member State — Use regarded as genuine by that State if it were an identical national mark.

Operative part of the judgment

Article 15(1) of Regulation No 207/2009 of 26 February 2009 on the Community trade mark must be interpreted as meaning that the territorial borders of the Member States should be disregarded in the assessment of whether a trade mark has been put to 'genuine use in the Community' within the meaning of that provision.