

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Grand Chamber) of 15 January 2014 — European Commission v Portuguese Republic**(Case C-292/11 P) <sup>(1)</sup>

*(Appeal — Compliance with a judgment of the Court of Justice establishing a failure to fulfil obligations — Periodic penalty payment — Claim for payment — Repeal of the national legislation which gave rise to the failure to fulfil obligations — Assessment by the Commission of the measures adopted by the Member State to comply with the judgment of the Court of Justice — Limits — Division of jurisdiction between the Court of Justice and the General Court)*

(2014/C 85/02)

Language of the case: Portuguese

**Parties**

*Appellant:* European Commission (represented by P. Hetsch, P. Costa de Oliveira and M. Heller, acting as Agents)

*Other party to the proceedings:* Portuguese Republic (represented by L. Inez Fernandes and J. Arsénio de Oliveira, acting as Agents)

*Interveners in support of the other party to the proceedings:* Czech Republic (represented by M. Smolek and D. Hadroušek, acting as Agents), Federal Republic of Germany (represented by T. Henze and J. Möller, acting as Agents), Hellenic Republic (represented by A. Samoni-Bantou and I. Pouli, acting as Agents), Kingdom of Spain (represented by N. Díaz Abad, acting as Agent), French Republic (represented by G. de Bergues, A. Adam, J. Rossi and N. Rouam, acting as Agents), Kingdom of the Netherlands (represented by C. Wissels and M. Noort, acting as Agents), Republic of Poland (represented by M. Szpunar and B. Majczyna, acting as Agents), Kingdom of Sweden (represented by A. Falk, acting as Agent)

**Re:**

Appeal brought against the judgment of the General Court (Third Chamber) of 29 March 2011 in Case T-33/09 *Portugal v Commission*, by which the General Court annulled Commission Decision C(2008) 7419 final of 25 November 2008 — Request that the Portuguese Republic should make the penalty payments due in compliance with the judgment of the Court of Justice in Case C-70/06 *Commission v Portugal* [2008] ECR I-1.

**Operative part of the judgment***The Court:*

1. Dismisses the appeal;
2. Orders the European Commission to bear its own costs and to pay those of the Portuguese Republic in the present proceedings;
3. Orders the Czech Republic, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Kingdom of the Netherlands, the Republic of Poland and the Kingdom of Sweden to bear their own respective costs.

<sup>(1)</sup> OJ C 252, 27.8.2011.**Judgment of the Court (Tenth Chamber) of 16 January 2014 — European Commission v Kingdom of Spain**(Case C-67/12) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2002/91/EC — Energy performance of buildings — Articles 3, 7 and 8 — Incomplete transposition)*

(2014/C 85/03)

Language of the case: Spanish

**Parties**

*Applicant:* European Commission (represented by: K. Herrmann and I. Galindo Martin, acting as Agents)

*Defendant:* Kingdom of Spain (represented by: A. Rubio González and S. Centeno Huerta, acting as Agents)

**Re:**

Failure of a Member State to fulfil its obligations — Failure to adopt or communicate, within the prescribed period, all of the measures necessary to ensure compliance with Articles 3, 7 and 8 of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance