

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (First Chamber) of 17 October 2013 — Council of the European Union v Access Info Europe, Hellenic Republic, United Kingdom of Great Britain and Northern Ireland**(Case C-280/11 P) <sup>(1)</sup>

*(Appeal — Right of access to documents of the institutions — Regulation (EC) No 1049/2001 — Article 4(3), first subparagraph — Protection of the institutions' decision-making process — Note from the Council General Secretariat on the proposals submitted in the course of the legislative process for the revision of Regulation No 1049/2001 — Partial access — Refusal of access to information relating to the identity of Member States which put forward proposals)*

(2013/C 367/02)

Language of the case: English

**Parties**

*Appellant:* Council of the European Union (represented by: B. Driessen and C. Fekete, Agents)

*Interveners in support of the appellant:* Czech Republic (represented by: M. Smolek and D. Hadroušek, Agents), Kingdom of Spain (represented by: S. Centeno Huerta, Agent), French Republic (represented by: G. de Bergues and N. Rouam, Agents)

*Other parties to the proceedings:* Access Info Europe (represented by: O. Brouwer and J. Blockx, advocaten), Hellenic Republic (represented by: E.-M. Mamouna and K. Boskovits, Agents), United Kingdom of Great Britain and Northern Ireland

*Intervener in support of Access Info Europe:* European Parliament (represented by A. Caiola and M. Dean, Agents)

**Re:**

Appeal against the judgment of 22 March 2011 in Case T-233/09 *Access Info Europe v Council* by which the General Court (Third Chamber) annulled the Council's decision of 26 February 2009 refusing in part to grant the applicant access to a note drawn up by the Council General Secretariat and addressed to the Working Party on Information (Document

No 16338/08), concerning a proposal for a Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents

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

1. Dismisses the appeal;
2. Orders the Council of the European Union to pay the costs incurred by Access Info Europe;
3. Orders the Czech Republic, the Hellenic Republic, the Kingdom of Spain, the French Republic and the European Parliament to bear their own costs.

<sup>(1)</sup> OJ C 238, 13.8.2011.**Judgment of the Court (Tenth Chamber) of 24 October 2013 — Kone Oyj, Kone GmbH, Kone BV v European Commission**(C-510/11 P) <sup>(1)</sup>

*(Appeal — Competition — Agreements, decisions and concerted practices — Market for the installation and maintenance of elevators and escalators — Fines — Notice on immunity from fines and reduction of fines in cartel cases — Effective judicial remedy)*

(2013/C 367/03)

Language of the case: English

**Parties**

*Appellants:* Kone Oyj, Kone GmbH, Kone BV (represented by: T. Vinje, Solicitor, D. Paemen, avocat, and A. Tomtsis, dikigoros,)

*Other party to the proceedings:* European Commission (represented by: E. Gippini Fournier and R. Sauer, acting as Agents)

**Re:**

Appeal against the judgment of the General Court (Eighth Chamber) of 13 July 2011 in Case T-151/07 *Kone and Others v Commission*, by which the General Court dismissed an action for annulment or reduction of the fine imposed on the applicants by Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 of the EC Treaty (Case COMP/E 1/38.823 — Elevators and Escalators), concerning a cartel in the market for the installation and maintenance of elevators and escalators in Belgium, Germany, Luxembourg and the Netherlands, concerning bid-rigging, market-sharing, price-fixing, the awarding of projects and contracts related thereto and exchange of information

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Kone Oyj, Kone GmbH and Kone BV to bear their own costs and, in addition, to pay the costs incurred by the European Commission.

(<sup>1</sup>) OJ C 362, 10.12.2011.

**Judgment of the Court (Fifth Chamber) of 17 October 2013  
— European Commission v Kingdom of Belgium**

(Case C-533/11) (<sup>1</sup>)

**(Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Urban waste-water treatment — Judgment of the Court establishing a failure to fulfil obligations — Non-compliance — Article 260 TFEU — Financial penalties — Imposition of a lump sum and a penalty payment)**

(2013/C 367/04)

Language of the case: French

**Parties**

*Applicant:* European Commission (represented by: G. Wils, A. Marghelis and S. Pardo Quintillán, Agents)

*Defendant:* Kingdom of Belgium (represented by: C. Pochet, M. Neumann and T. Materne, Agents, and A. Lepièce, E. Gillet, J. Bouckaert and H. Viaene, avocats)

*Intervener in support of the defendant:* United Kingdom of Great Britain and Northern Ireland (represented by: C. Murrell, Agent, and D. Anderson QC)

**Re:**

Failure of a Member State to fulfil obligations — Failure to comply fully with the Court's judgment of 8 July 2004 in Case C-27/03 *Commission v Belgium* concerning the failure to transpose, within the period prescribed, the provisions of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ 1991 L 135, p. 40) — Infringement of Article 3(1), second subparagraph, and of Article 5(2) and (3) of that directive — Calculation of penalties: payment of a periodic penalty and a lump sum

**Operative part of the judgment**

The Court:

1. Declares that, by failing to take all the measures necessary to comply with the judgment of 8 July 2004 in Case C-27/03 *Commission v Belgium*, establishing the failure of the Kingdom of Belgium to fulfil its obligations under Articles 3 and 5 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, as amended by Commission Directive 98/15/EC of 27 February 1998, that Member State has failed to fulfil its obligations under Article 260(1) TFEU.
2. Orders the Kingdom of Belgium to pay to the European Commission, into the 'European Union own resources' account, a lump sum of EUR 10 million.
3. Declares that, if the failure to fulfil obligations found in point 1 has continued until the day of delivery of the present judgment, the Kingdom of Belgium shall be ordered to pay to the European Commission, into the 'European Union own resources' account, a penalty payment of EUR 859 404 for each six-month period of delay in taking the measures necessary to comply with the judgment in *Commission v Belgium*, from the date of delivery of this judgment until the date on which the judgment in *Commission v Belgium* has been complied with in full, the actual amount of which is to be calculated at the end of each six-month period by reducing the total relating to such periods by a percentage corresponding to the proportion which the number of population equivalents which have been brought into compliance with the judgment in *Commission v Belgium* by end of such a period bears to the number of population equivalents which were not compliant with this judgment on the day of its delivery.
4. Orders the Kingdom of Belgium to pay the costs.
5. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

(<sup>1</sup>) OJ C 25, 28.1.2012.