

Judgment of the Court (Third Chamber) of 28 January 2016 (request for a preliminary ruling from the Tribunale di Frosinone — Italy) — Criminal proceedings against Rosanna Laezza

(Case C-375/14) ⁽¹⁾

(Reference for a preliminary ruling — Articles 49 TFEU and 56 TFEU — Freedom of establishment — Freedom to provide services — Betting and gaming — Judgment of the Court of Justice which declared the national rules on licences for the collection of bets incompatible with EU law — Reorganisation of the system by way of a new call for tenders — Free-of-charge transfer of the rights to use tangible and intangible assets owned by licensees and which constitute their network for the management and collection of bets. — Restriction — Overriding reasons in the public interest — Proportionality)

(2016/C 106/06)

Language of the case: Italian

Referring court

Tribunale di Frosinone

Party in the main proceedings

Rosanna Laezza

Operative part of the judgment

Articles 49 TFEU and 56 TFEU must be interpreted as precluding a restrictive national provision, such as that at issue in the main proceedings, which requires a licensee to transfer, free of charge, on the cessation of business as a result of the expiry of the final term of the licence, the rights to use tangible and intangible assets which he owns and which constitute his network for the management and collection of bets, in so far as that restriction goes beyond what is necessary to attain the objective actually pursued by that provision, which is for the referring court to verify.

⁽¹⁾ OJ C 372, 20.10.2014.

Judgment of the Court (Second Chamber) of 28 January 2016 — European Commission v Portuguese Republic

(Case C-398/14) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Urban waste water treatment — Article 4 — Secondary treatment or equivalent — Annex I, Sections B and D)

(2016/C 106/07)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: P. Guerra e Andrade and E. Manhaeve, acting as Agents)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes, J. Reis Silva and J. Brito e Silva, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that, by not ensuring that discharges from urban waste water treatment plants were subject to an adequate level of treatment, meeting the relevant requirements of Annex I.B to Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment, as amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008, in the agglomerations of Alvalade, Odemira, Pereira do Campo, Vila Verde (PTAGL 420), Mação, Pontével, Castro Daire, Arraiolos, Ferreira do Alentejo, Vidigueira, Alcácer do Sal, Amareleja, Monchique, Montemor-o-Novo, Grândola, Estremoz, Maceira, Portel, Viana do Alentejo, Cinfães, Ponte de Reguengo, Canas de Senhorim, Repeses, Vila Viçosa, Santa Comba Dão, Tolosa, Loriga, Cercal, Vale de Santarém, Castro Verde, Almodôvar, Amares/Ferreiras, Mogadouro, Melides, Vila Verde (PTAGL 421), Serpa, Vendas Novas, Vila de Prado, Nelas, Vila Nova de São Bento, Santiago do Cacém, Alter do Chão, Tábua and Mangualde, the Portuguese Republic has failed to fulfil its obligations under Article 4 of that directive;

2. Orders the Portuguese Republic to pay the costs.

⁽¹⁾ OJ C 380, 27.10.2014.

Judgment of the Court (Fifth Chamber) of 28 January 2016 — Quimitéchnica.com — Comércio e Indústria Química, SA, José de Mello — Sociedade Gestora de Participações Sociais, SA v European Commission

(Case C-415/14 P) ⁽¹⁾

(Appeal — Cartels — European market in phosphates for animal feed — Fine imposed on the appellants following a settlement procedure — Payment of the fine in instalments — Requirement to provide a bank guarantee at a bank with a long-term ‘AA’ credit rating — Duty to state reasons)

(2016/C 106/08)

Language of the case: Portuguese

Parties

Appellants: Quimitéchnica.com — Comércio e Indústria Química, SA, José de Mello — Sociedade Gestora de Participações Sociais, SA (represented by: J. Calheiros, lawyer)

Other party to the proceedings: European Commission (represented by: V. Bottka and B. Mongin, acting as Agents, and M. Marques Mendes, lawyer)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 26 June 2015 in *Quimitéchnica.com and José de Mello v Commission*;
2. Refers the matter back before the General Court of the European Union;
3. Reserves the costs.

⁽¹⁾ OJ C 388, 3.11.2014.

Judgment of the Court (Ninth Chamber) of 28 January 2016 — Éditions Odile Jacob SAS v European Commission, Lagardère SCA, Wendel

(Case C-514/14 P) ⁽¹⁾

(Appeal — Merger of undertakings in the book publishing market — Decision adopted following the annulment of a decision approving the purchaser of certain assets for lack of independence of an agent — Article 266 TFEU — Enforcement of the judgment ordering annulment — Subject matter of proceedings — Legal basis for the decision at issue — Retroactive effect of that decision — Independence of the purchaser of the assets sold vis-à-vis the seller)

(2016/C 106/09)

Language of the case: French

Parties

Appellant: Éditions Odile Jacob SAS (represented by: J.-F. Bellis, O. Fréget and L. Eskenazi, avocats)

Other parties to the proceedings: European Commission (represented by: C. Giolito and B. Mongin, acting as Agents), Lagardère SCA (represented by: A. Winckler, F. de Bure, J.-B. Pinçon and L. Bary, avocats), Wendel (represented by: M. Trabucchi, F. Gordon, A. Gosset-Grainville, avocats, and C. Renner, Rechtsanwältin)