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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (First Chamber) of 22 June 2016 — DK Recycling und Roheisen GmbH v European Commission

(Case C-540/14 P) ⁽¹⁾

(Appeal — Environment — Directive 2003/87/EC — Article 10a — Scheme for greenhouse gas emission allowance trading — Transitional rules for harmonised free allocation of emission allowances from 2013 — Decision 2011/278/EU — National implementation measures submitted by the Federal Republic of Germany — Rejection of the inscription of certain installations on the lists of installations receiving free allocations of emission allowances — Provision relating to cases of ‘undue hardship’ — Implementing powers of the Commission)

(2016/C 314/02)

Language of the case: German

Parties

Appellant: DK Recycling und Roheisen GmbH (represented by: S. Altenschmidt and P.-A. Schütter, Rechtsanwälte)

Other party to the proceedings: European Commission (represented by: E. White, C. Hermes and K. Herrmann, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders DK Recycling und Roheisen GmbH to bear its own costs and to pay those incurred by the European Commission.

⁽¹⁾ OJ C 26, 26.1.2015.

Judgment of the Court (Third Chamber) of 22 June 2016 — European Commission v Portuguese Republic

(Case C-557/14) ⁽¹⁾

(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(2) TFEU — Financial penalties — Lump sum payment and penalty payment)

(2016/C 314/03)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: G. Braga da Cruz 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 failing to take all the measures necessary to comply with the judgment of 7 May 2009 in *Commission v Portugal* (C-530/07, EU:C:2009:292), the Portuguese Republic has failed to fulfil its obligations under Article 260(1) TFEU;
2. If the failure to fulfil obligations established in point 1 has continued until the day of delivery of the present judgment, orders the Portuguese Republic to pay the European Commission, into the 'European Union own resources' account, a penalty payment of EUR 8 000 for each day of delay in implementing the measures necessary to comply with the judgment of 7 May 2009 in *Commission v Portugal* (C-530/07, EU:C:2009:292), from the date of delivery of the present judgment until the judgment of 7 May 2009 in *Commission v Portugal* (C-530/07, EU:C:2009:292) has been complied with in full;
3. Orders the Portuguese Republic to pay the European Commission, into the 'European Union own resources' account, a lump sum payment of EUR 3 000 000;
4. Orders the Portuguese Republic to pay the costs.

⁽¹⁾ OJ C 46, 9.6.2015.

Judgment of the Court (First Chamber) of 22 June 2016 (request for a preliminary ruling from the Nejvyšší správní soud — Czech Republic) — Odvolací finanční ředitelství v Český rozhlas

(Case C-11/15) ⁽¹⁾

(Reference for a preliminary ruling — Sixth Directive 77/388/EC — Value added tax — Article 2(1) — Supply of services effected for consideration — Definition — Public broadcasting — Financing from a compulsory statutory fee)

(2016/C 314/04)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: Odvolací finanční ředitelství

Defendant: Český rozhlas

Operative part of the judgment

Article 2(1) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment must be interpreted as meaning that public broadcasting activities, such as those at issue in the main proceedings, funded by a compulsory statutory charge paid by owners or possessors of a radio receiver and carried out by a radio broadcasting company created by law, do not constitute a supply of services 'effected for consideration' within the meaning of that provision and therefore fall outside the scope of that directive.

⁽¹⁾ OJ C 138, 27.4.2015.