

**Judgment of the Court (Eighth Chamber) of 25 July 2018 — European Commission v Kingdom of Spain**

(Case C-205/17) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Collection and treatment of urban waste water — Directive 91/271/EEC — Articles 3 and 4 — Judgment of the Court declaring a failure to fulfil obligations — Non-compliance — Article 260(2) TFEU — Pecuniary penalties — Penalty payment and lump sum)*

(2018/C 328/20)

Language of the case: Spanish

**Parties**

Applicant: European Commission (represented by: E. Manhaeve and E. Sanfrutos Cano, acting as Agents)

Defendant: Kingdom of Spain (represented by: A. Gavela Llopis, acting as Agent)

**Operative part of the judgment**

The Court:

1. Declares that, by failing to take all the measures necessary to comply with the judgment of 14 April 2011, *Commission v Spain* (C-343/10, not published, EU:C:2011:260), the Kingdom of Spain has failed to fulfil its obligations under Article 260(1) TFEU;
2. Orders that, if the failure to fulfil obligations established in point 1 has continued until the day of delivery of the present judgment, the Kingdom of Spain must pay the European Commission a penalty payment of EUR 10 950 000 for each six-month period of delay in implementing the measures necessary to comply with the judgment of 14 April 2011, *Commission v Spain* (C-343/10, not published, EU:C:2011:260), from the date of delivery of the present judgment until the judgment of 14 April 2011, *Commission v Spain* (C-343/10, not published, EU:C:2011:260), has been complied with in full, the actual amount of which must be calculated at the end of each six-month period by reducing the total amount relating to each of those periods by a percentage corresponding to the proportion that the number of population equivalents of the agglomerations whose urban waste water treatment and/or collection systems have been rendered compliant with the judgment of 14 April 2011, *Commission v Spain* (C-343/10, not published, EU:C:2011:260) at the end of the period in question bears to the number of population equivalents of the agglomerations not having such systems on the day of delivery of the present judgment;
3. Orders the Kingdom of Spain to pay to the European Commission a lump sum of EUR 12 million;
4. Orders the Kingdom of Spain to pay the costs.

<sup>(1)</sup> OJ C 195, 19.6.2017.

**Judgment of the Court (Third Chamber) of 25 July 2018 (request for a preliminary ruling from the Østre Landsret — Denmark) — Gert Teglgård, Fløjstrupgård I/S v Fødevareministeriets Klagecenter**

(Case C-239/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Common agricultural policy — Support schemes for farmers — Regulation (EC) No 1782/2003 — Article 6(1) — Regulation (EC) No 73/2009 — Article 23(1) — Regulation (EC) No 796/2004 — Article 66(1) — Regulation (EC) No 1122/2009 — Article 70(8)(a) — Cross-compliance — Reduction in direct payments due to non-compliance with the statutory management requirements or good agricultural and environmental conditions — Determination of the year to be taken into account in order to determine the percentage reduction — Year in which the non-compliance occurred)*

(2018/C 328/21)

Language of the case: Danish

**Referring court**

Østre Landsret

**Parties to the main proceedings**

Applicants: Gert Teglggaard, Fløjstrupgård I/S

Defendant: Fødevareministeriets Klagecenter

**Operative part of the judgment**

1. Article 6(1) of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001, Article 6(1) of Regulation No 1782/2003, as amended by Council Regulation (EC) No 146/2008, and Article 23(1) of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006 and (EC) No 378/2007 and repealing Regulation No 1782/2003 must be interpreted as meaning that reductions in direct payments due to non-compliance with the cross-compliance rules must be calculated on the basis of payments granted or to be granted in the year during which that non-compliance occurred;

Article 66(1) of Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Regulation No 1782/2003 (OJ 2004 L 141, p. 18) and Article 70(8)(a) of Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Regulation No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector, must be interpreted as meaning that reductions in direct payments thus calculated are to be applied to payments received or to be received in the calendar year during which the non-compliance with the cross-compliance rules is found;

2. The relevant EU rules applicable to the calculation of the reduction in direct payments when a farmer has not complied with the cross-compliance rules in 2007-2008, but that non-compliance was found only during 2011, are Article 6(1) of Regulation No 1782/2003 for 2007 and the first three months of 2008, and Article 6(1) of that regulation, as amended by Regulation No 146/2008, for the period from April to December 2008.

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<sup>(1)</sup> OJ C 221, 10.7.2017.

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**Judgment of the Court (Fifth Chamber) of 25 July 2018 (request for a preliminary ruling from the Županijski Sud u Zagrebu — Croatia) — Issue of a European arrest warrant against AY**

(Case C-268/17) <sup>(1)</sup>

**(Reference for a preliminary ruling — Judicial cooperation in criminal matters — European arrest warrant — Framework Decision 2002/584/JHA — Article 1(2), Article 3(2) and Article 4(3) — Grounds for the refusal to execute — Closure of a criminal investigation — Principle *ne bis in idem* — Requested person who had the status of a witness in previous proceedings concerning the same acts — Issue of several European arrest warrants against the same person)**

(2018/C 328/22)

Language of the case: Croatian

**Referring court**

Županijski Sud u Zagrebu