

**Judgment of the Court (Grand Chamber) of 8 July 2019 — European Commission v Kingdom of Belgium**(Case C-543/17) <sup>(1)</sup>

**(Failure of a Member State to fulfil obligations — Article 258 TFEU — Measures to reduce the cost of deploying high-speed electronic communications networks — Directive 2014/61/EU — No transposition and/or no notification of transposing measures — Article 260(3) TFEU — Application for an order to pay a daily penalty payment — Calculation of the amount of the penalty payment)**

(2019/C 305/04)

*Language of the case: French***Parties**

*Applicant:* European Commission (represented by: J. Hottiaux, C. Cattabriga L. Nicolae, G. von Rintelen and R. Troosters, acting as Agents)

*Defendant:* Kingdom of Belgium (represented initially by: P. Cottin and by C. Pochet, J. Van Holm and L. Cornelis, and subsequently by P. Cottin and C. Pochet, acting as Agents, and by P. Vernet, S. Depré and M. Lambert de Rouvroit, avocats, A. Van Acker et M. N. Lollo, experts)

*Interveners in support of the defendant:* Federal Republic of Germany (represented initially by: T. Henze and S. Eisenberg, and subsequently by S. Eisenberg, acting as Agents), Republic of Estonia (represented by: N. Grünberg, acting as Agent), Ireland (represented by: M. Browne and G. Hodge and by A. Joyce, acting as Agents, and by G. Gilmore, Barrister at Law, and P. McGarry, Senior Counsel), Kingdom of Spain (represented initially by: A. Gavela Llopis and A. Rubio González, and subsequently by A. Rubio González, acting as Agents), French Republic (represented by: E. de Moustier, C. David, A. L. Desjonquères, I. Cohen, B. Fodda and D. Colas, acting as Agents), Italian Republic (represented by: G. Palmieri, acting as Agent, and by S. Fiorentino, avvocato dello Stato), Republic of Lithuania (represented initially by: G. Taluntytė and L. Bendoraitytė and by D. Kriauciūnas, and subsequently by L. Bendoraitytė, acting as Agents), Hungary (represented by: M. Z. Fehér, G. Koós and Z. Wagner, acting as Agents), Republic of Austria (represented by: G. Hesse and C. Drexel, acting as Agents), Romania (represented by: C. Canțâr, R. I. Hațieganu and L. Lițu, acting as Agents)

**Operative part of the judgment**

The Court:

1. Declares that, by not having adopted the laws, regulations and administrative provisions necessary to comply with Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks on the expiry of the period prescribed in the reasoned opinion of 30 September 2016, as extended by the European Commission, and, a fortiori, by not having notified the Commission of such transposing measures, the Kingdom of Belgium failed to fulfil its obligations under Article 13 of that directive.
2. Declares that, by still not having adopted the provisions necessary to transpose Article 2(7) to (9) and (11), Article 4(5) and Article 8 of Directive 2014/61 into its national law by the time of the examination of the facts by the Court, and, a fortiori, not having notified the European Commission of such transposing measures, the Kingdom of Belgium partly persisted in its failure to fulfil its obligations.
3. Orders that if the failure to fulfil obligations established in point 2 has continued until the day of delivery of the present judgment the Kingdom of Belgium must, from that date, pay the European Commission a penalty payment of EUR 5 000 each day until it has complied with its obligations.
4. Orders the Kingdom of Belgium to pay the costs.
5. Orders the Federal Republic of Germany, the Republic of Estonia, Ireland, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Lithuania, Hungary, the Republic of Austria and Romania to bear their own costs.

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<sup>(1)</sup> OJ C 374, 6.11.2017.