

**Form of order sought**

The Commission claims that the Court should:

- declare that, by not having adopted (all) of the laws, regulations and administrative provisions necessary to ensure compliance with Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, and with Directive (EU) 2016/1034 of the European Parliament and of the Council of 23 June 2016 amending Directive 2014/65/EU on markets in financial instruments, or by not having notified the Commission of the adoption of such provisions, the Republic of Slovenia has failed to fulfil its obligations under Article 93 of Directive 2014/65/EU, as amended by Article 1 of Directive (EU) 2016/1034;
- order the Republic of Slovenia, pursuant to Article 260(3) TFEU, to pay a *per diem* penalty payment of EUR 7 224 from delivery of the judgment in the present case, for failure to fulfil its obligation to notify the measures transposing Directives 2014/65/EU and 2016/1034/EU;
- order the Republic of Slovenia, pursuant to Article 260(3) TFEU, to pay a *per diem* lump sum of EUR 1 978 multiplied by the number of days for which the infringement has persisted, for a minimum lump sum payment of EUR 496 000; and
- order the Republic of Slovenia to pay the costs.

**Pleas in law and main arguments**

Pursuant to Article 93 of Directive 2014/65/EU, as amended by Article 1 of Directive 2016/1034/EU, the Member States were required to adopt and publish, by 3 July 2017, the provisions necessary to ensure compliance with the aforementioned directive and forthwith to communicate those provisions to the Commission. As the Republic of Slovenia did not, within that deadline, communicate to the Commission the measures transposing those directives, the Commission has decided to bring an action before the Court of Justice.

By its action, the Commission claims that the Court should order the Republic of Slovenia to pay a lump sum and a *per diem* penalty payment.

The period for transposing the directive expired on 3 July 2017.

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**Action brought on 12 October 2018 — European Commission v Hungary**

(Case C-637/18)

(2018/C 427/42)

*Language of the case: Hungarian*

**Parties**

*Applicant:* European Commission (represented by: K. Petersen y K. Talabér-Ritz, acting as Agents)

*Defendant:* Hungary

**Form of order sought by the applicant**

The applicant claims that the Court should:

- declare that, by systematically and persistently failing to comply with the daily limit value applicable to the concentration of PM<sub>10</sub> in parts of Budapest (HU0001) and the valley of Sajó (HU0008) each year from 1 February 2005, Hungary has failed to fulfil its obligations under Article 13(1) of, in conjunction with Annex XI to, Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe; <sup>(1)</sup>

- declare that, by systematically and persistently failing to comply with the daily limit values applicable to the concentration of PM<sub>10</sub> in the area of Pécs (HU0006) each year from 11 June 2011 — with the exception of 2014 — Hungary has failed to fulfil its obligations under Article 13(1) of, in conjunction with Annex XI to, Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe;
- declare that, from 11 June 2010, Hungary has failed to fulfil the obligation laid down in Article 23(1) of, in conjunction with Annex XV to, Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe which provides, in particular, in the second paragraph of that article, that the exceedance period of those limit values should be kept as short as possible;
- order Hungary to pay the costs.

### Pleas in law and main arguments

From 1 February 2005, the daily limit value of PM<sub>10</sub> was exceeded in two air quality zones and, from 11 June 2011, in one additional zone. In spite of that infringement of Article 13(1) of, in conjunction with Annex XI to, Directive 2008/50, Hungary, contrary to the second paragraph of Article 23(1) of Directive 2008/50, has not adopted any appropriate measures within the air quality plans so that the exceedance period could be kept as short as possible.

The ineffectiveness of the measures at issue is clear from, *inter alia*, the period of exceeding the limit values, the level and evolution of those limit values, and from the detailed examination of the air quality plans adopted by the Hungarian authorities.

<sup>(1)</sup> OJ 2008 L 152, p. 1.

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## Action brought on 13 October 2018 — European Commission v Italian Republic

(Case C-644/18)

(2018/C 427/43)

*Language of the case: Italian*

### Parties

*Applicant:* European Commission (represented by: G. Gattinara and K. Petersen, acting as Agents)

*Defendant:* Italian Republic

### Form of order sought

The applicant claims that the Court should:

(1) declare that, by having exceeded on a systematic and continuous basis PM<sub>10</sub> concentration values, exceedance which is still ongoing,

(a) as regards the daily limits:

— as from 2008 in the following zones: IT1212 (Sacco Valley zone); IT1215 (agglomeration of Rome); IT1507 (former zone IT1501, 'improvement zone' — Naples and Caserta zone); IT0892 (Emilia Romagna, Western Plain); zone IT0893 (Emilia Romagna, Eastern Plain); IT0306 (agglomeration of Milan); IT0307 (agglomeration of Bergamo); IT0308 (agglomeration of Brescia); IT0309 (Lombardy, plain with a high level of urbanisation A); IT0310 (Lombardy, plain with a high level of urbanisation B); IT0312 (Lombardy, valley D); IT0119 (Piedmont Plain); zone IT0120 (Piedmont High Ground);

— As from 2009 in the following zones: IT0508 and IT0509 (former zone IT0501, agglomeration of Venice-Treviso); IT0510 (former zone IT0502, agglomeration of Padua); IT0511 (former zone IT0503, agglomeration of Vicenza), IT0512 (former zone IT0504, agglomeration of Verona); IT0513 and IT0514 (former zone IT0505; zone A1 — Veneto Province);