

Other parties to the proceedings: European Commission (represented by: B. Martenczuk and B. Stromsky, Agents), Sky Italia Srl (represented by: F. González Díaz, abogado and F. Salerno, avocat)

Re:

Appeal brought against the judgment of the General Court (Second Chamber) of 15 June 2010 in Case T-177/07 *Mediaset SpA v Commission* dismissing an action for the annulment in part of Commission Decision C(2006) 6634 final of 24 January 2007 declaring incompatible with the common market subsidies granted by Italy, in 2004 and 2005, to enable consumers to purchase or to rent interactive digital decoders capable of receiving programmes using digital or cable terrestrial technology on the ground that those subsidies exclude decoders capable of receiving programmes using satellite television broadcasting technology (Aid No C 52/2005, ex NN 88/2005, ex CP 101/2004)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders *Mediaset SpA* to bear its own costs and to pay the costs of the European Commission and of *Sky Italia Srl*.

⁽¹⁾ OJ C 301, 6.11.2010.

**Judgment of the Court (Seventh Chamber) of 28 July 2011
— European Commission v Republic of Austria**

(Case C-548/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2007/2/EC — Environmental policy — Infrastructure for Spatial Information in the European Community (INSPIRE) — Exchange and updating of data in electronic format — Incomplete transposition)

(2011/C 298/18)

Language of the case: German

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and C. Egerer, acting as Agents)

Defendant: Republic of Austria (represented by: C. Pesendorfer, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt or communicate, within the prescribed period, all the measures necessary to comply with Directive 2007/2/EC of the European Parliament and the Council of 14 March 2007 establishing an infrastructure for spatial information in the European Community (INSPIRE) (OJ 2007 L 108, p. 1)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the period prescribed, all the laws, regulation and administrative provisions necessary to comply with Directive 2007/2/EC of the European Parliament and the Council of 14 March 2007 establishing an infrastructure for spatial information in the European Community (INSPIRE), the Republic of Austria has failed to fulfil its obligations under that directive;
2. Orders the Republic of Austria to pay the costs.

⁽¹⁾ OJ C 30, 29.1.2011.

Reference for a preliminary ruling from the Cour d'Appel de Paris (France) lodged on 29 June 2011 — Alexandre Achughbalian v Préfet du Val-de-Marne

(Case C-329/11)

(2011/C 298/19)

Language of the case: French

Referring court

Cour d'Appel de Paris

Parties to the main proceedings

Applicant: Alexandre Achughbalian

Defendant: Préfet du Val-de-Marne

Question referred

Taking into account its scope, does Directive 2008/115/EC of 16 December 2008 ⁽¹⁾ preclude national legislation, such as Article L.621-1 of the code de l'entrée et du séjour des étrangers et du droit d'asile (Code on the entry and stay of foreign nationals and on the right to asylum), which provides for the imposition of a sentence of imprisonment on a third-country national on the sole ground of his illegal entry or residence in national territory?

⁽¹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Action brought on 8 July 2011 — European Commission v Kingdom of Belgium

(Case C-366/11)

(2011/C 298/20)

Language of the case: French

Parties

Applicant: European Commission (represented by: I. Hadjiyiannis and A. Marghelis, acting as Agents)

Defendant: Kingdom of Belgium