

Operative part of the judgment

The Court:

1. Sets aside the order of the General Court of the European Union of 19 April 2016, *LL v Parliament* (T-615/15, not published, EU:T:2016:432);
2. Refers the case back to the General Court of the European Union for a decision on the merits;
3. The costs are reserved.

⁽¹⁾ OJ C 343, 19.9.2016.

Judgment of the Court (Third Chamber) of 22 February 2018 — European Commission v Hellenic Republic

(Case C-328/16) ⁽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-implementation — Article 260(2) TFEU — Pecuniary penalties — Lump sum — Periodic penalty payment)

(2018/C 134/06)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: G. Zavvos, E. Manhaeve and D. Triantafyllou, acting as Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the measures necessary to comply with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385) the Hellenic Republic failed to fulfil its obligations under Article 260(1) TFEU.
2. Orders that, if the failure to fulfil obligations found in point 1 has continued until the day of delivery of the present judgment, the Hellenic Republic be required to pay to the European Commission a penalty payment of EUR 3 276 000 for each six-month period of delay in implementing the measures necessary to comply with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385), from the date of delivery of the present judgment until the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385) 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 representing the number of population equivalent units that have actually been brought into compliance with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385), in the Thriasio Pedio area, at the end of the period in question, in comparison to the number of population equivalent units that have not been brought into compliance with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385), on the day of delivery of the present judgment.
3. Orders the Hellenic Republic to pay to the European Commission a lump sum of EUR 5 million.
4. Orders the Hellenic Republic to pay the costs of the proceedings.

⁽¹⁾ OJ C 402, 31.10.2016.