

Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 13 July 2011 in Case T-151/07 *Kone and Others v Commission*, by which the General Court dismissed an action for annulment or reduction of the fine imposed on the applicants by Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 of the EC Treaty (Case COMP/E 1/38.823 — Elevators and Escalators), concerning a cartel in the market for the installation and maintenance of elevators and escalators in Belgium, Germany, Luxembourg and the Netherlands, concerning bid-rigging, market-sharing, price-fixing, the awarding of projects and contracts related thereto and exchange of information

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Kone Oyj, Kone GmbH and Kone BV to bear their own costs and, in addition, to pay the costs incurred by the European Commission.

(¹) OJ C 362, 10.12.2011.

**Judgment of the Court (Fifth Chamber) of 17 October 2013
— European Commission v Kingdom of Belgium**

(Case C-533/11) (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-compliance — Article 260 TFEU — Financial penalties — Imposition of a lump sum and a penalty payment)

(2013/C 367/04)

Language of the case: French

Parties

Applicant: European Commission (represented by: G. Wils, A. Marghelis and S. Pardo Quintillán, Agents)

Defendant: Kingdom of Belgium (represented by: C. Pochet, M. Neumann and T. Materne, Agents, and A. Lepièce, E. Gillet, J. Bouckaert and H. Viaene, avocats)

Intervener in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented by: C. Murrell, Agent, and D. Anderson QC)

Re:

Failure of a Member State to fulfil obligations — Failure to comply fully with the Court's judgment of 8 July 2004 in Case C-27/03 *Commission v Belgium* concerning the failure to transpose, within the period prescribed, the provisions of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ 1991 L 135, p. 40) — Infringement of Article 3(1), second subparagraph, and of Article 5(2) and (3) of that directive — Calculation of penalties: payment of a periodic penalty and a lump sum

Operative part of the judgment

The Court:

1. Declares that, by failing to take all the measures necessary to comply with the judgment of 8 July 2004 in Case C-27/03 *Commission v Belgium*, establishing the failure of the Kingdom of Belgium to fulfil its obligations under Articles 3 and 5 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, as amended by Commission Directive 98/15/EC of 27 February 1998, that Member State has failed to fulfil its obligations under Article 260(1) TFEU.
2. Orders the Kingdom of Belgium to pay to the European Commission, into the 'European Union own resources' account, a lump sum of EUR 10 million.
3. Declares that, if the failure to fulfil obligations found in point 1 has continued until the day of delivery of the present judgment, the Kingdom of Belgium shall be ordered to pay to the European Commission, into the 'European Union own resources' account, a penalty payment of EUR 859 404 for each six-month period of delay in taking the measures necessary to comply with the judgment in *Commission v Belgium*, from the date of delivery of this judgment until the date on which the judgment in *Commission v Belgium* has been complied with in full, the actual amount of which is to be calculated at the end of each six-month period by reducing the total relating to such periods by a percentage corresponding to the proportion which the number of population equivalents which have been brought into compliance with the judgment in *Commission v Belgium* by end of such a period bears to the number of population equivalents which were not compliant with this judgment on the day of its delivery.
4. Orders the Kingdom of Belgium to pay the costs.
5. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

(¹) OJ C 25, 28.1.2012.