

— lastly, order the Commission to pay the costs of the proceedings before the General Court and the Court of Justice, pursuant to Article 69 of the Rules of Procedure.

Pleas in law and main arguments

The appellant puts forward three pleas in law in support of its appeal.

By its first plea, divided into two parts, the appellant argues that the General Court infringed the principle of equal treatment and the obligation to state reasons by failing to draw any inferences from the fact that it had been penalised for the conduct of its former subsidiary, unlike Stora, which was in a similar position.

By its second plea, divided into four parts, it argues that the General Court infringed Article 41 of the Charter, Article 6 of the ECHR, the obligation to state reasons and the obligation of non-distortion, the appellant's rights of defence, the effects of the annulment of Decision 2004/337, the principle of *res judicata* and Article 48(2) of the General Court's Rules of Procedure, in holding that Bolloré's right to have its case heard and judged within a reasonable time had not been infringed.

By its third plea, the appellant argues that the General Court infringed the principles of proportionality and fairness in failing to take account of the factual and procedural context of the present proceedings and in refusing to reduce the amount of the fine incurred.

(¹) Commission Decision of 17 October 2001 declaring a concentration to be incompatible with the common market and the functioning of the EEA Agreement (Case COMP/M.2187 — *CVC v Lenzing*) (OJ 2004 L 82, p. 20).

Action brought on 13 September 2012 — European Commission v Kingdom of Belgium

(Case C-421/12)

(2012/C 355/18)

Language of the case: French

Parties

Applicant: European Commission (represented by: M. van Beek and M. Owsiany-Hornung, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

— Declare that:

— by excluding from the scope of the Law of 5 June 2007 transposing Directive 2005/29/EC on unfair commercial practices (¹) members of a profession and dentists and

physiotherapists, the Kingdom of Belgium has failed to fulfil its obligations under Article 3, combined with Article 2(b) and (d) of that directive;

— by maintaining in force Articles 20, 21 and 29 of the Law of 6 April 2010 on market practices and consumer protection, the Kingdom of Belgium has failed to fulfil its obligations under Article 4 of Directive 2005/29/EC on unfair commercial practices;

— by maintaining in force the third subparagraph of Article 4(1) of the Law of 25 June 1993 on the exercise and organisation of travelling trading and fairground activities as inserted by Article 7 of the Law of 4 July 2005 modifying the Law of 25 June 1993 on the exercise of travelling trading activities and the organisation of public markets, and point 4 of Article 5(1) of the Royal Decree of 24 September 2006 concerning the exercise and organisation of travelling trading activities, the Kingdom of Belgium has failed to fulfil its obligations under Article 4 of Directive 2005/29/EC on unfair commercial practices.

— Order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The period for transposition of Directive 2005/29/EC expired on 12 June 2007.

(¹) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22).

Reference for a preliminary ruling from the Kammarrätten i Stockholm, Migrationsöverdomstolen (Sweden) lodged on 17 September 2012 — Flora May Reyes v Migrationsverket

(Case C-423/12)

(2012/C 355/19)

Language of the case: Swedish

Referring court

Kammarrätten i Stockholm, Migrationsöverdomstolen

Parties to the main proceedings

Applicant: Flora May Reyes

Defendant: Migrationsverket