by the Commission of (i) amounts allegedly owing to the appellant and (ii) damages, following termination of a contract in respect of the Community financial support granted to the 'e-Content Exposure and Business Opportunities' ('EEBO') project (Contract No EDC-53007 EEBO/27873), concluded in the context of the multiannual Community programme to stimulate the development and use of European digital content on the global networks and to promote linguistic diversity in the information society ('eContent' programme).

Operative part

The Court:

1. Sets aside the judgment of the General Court of the European Union of 9 February 2010 in Case T-340/07 *Evropaïki Dynamiki* v *Commission* in so far as, by that judgment, the General Court failed to rule on the claim of Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE that, notwithstanding the termination of the EDC-53007 EEBO/27873 contract, the Commission should be ordered to pay it the amount of EUR 172 588.62, corresponding to the costs not already reimbursed by the Commission that were incurred by the appellant in connection with that contract;

2. Refers the case back to the General Court of the European Union for judgment on that claim of Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE;

3. Reserves the costs.

Judgment of the Court (Eighth Chamber) of 5 May 2011 — Commission v Belgium

(Case C-265/10)

(Failure of a Member State to fulfil obligations — Regulation (EC) No 1907/2006 — Chemicals — Registration, evaluation, authorisation of those substances and

restrictions applicable to them — REACH Regulation — Article 126 — System of penalties in the event of infringement of the provisions of the REACH Regulation — Lack of implementation within the period prescribed)

1. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU) (see para. 27)*

2. *Approximation of laws — Registration, evaluation and authorisation of chemicals — REACH Regulation — Implementation by Member States — Penalties in the event of failure to comply with the regulation — Federal Member State not obliged to conclude a cooperation agreement with the regions in order to give effect to the regulation (European Parliament and Council Regulation No 1907/2006, Art. 126) (see para. 37)*

Re:

Failure of a Member State to fulfil obligations – Infringement of Article 126 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p.1) – Penalties applicable for infringement of the REACH Regulation.

Operative part

The Court:

1. Declares that, by failing to adopt all the laws, regulations and administrative provisions necessary to implement the penalties applicable to infringements of

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, the Kingdom of Belgium has failed to fulfil its obligations under Article 126 of that regulation;

2. Orders the Kingdom of Belgium to pay the costs.

Judgment of the Court (Fifth Chamber) of 10 May 2011 — Commission v Sweden

(Case C-479/10)

(Failure of a Member State to fulfil obligations — Environment — Directive 1999/30/EC — Pollution control — Limit values for concentrations of PM10 in ambient air)

Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU; Council Directive 1999/30, Art. 5(1)