

2. If the failure to fulfil obligations found in point 1 has continued until the day of delivery of the present judgment, orders the Hellenic Republic to pay to the European Commission, into the 'European Union own resources' account, a penalty payment of EUR 3 640 000 for each six-month period of delay in implementing the measures necessary to comply with the judgment in *Commission v Greece (C-440/06, EU:C:2007:642)*, from the date of delivery of the present judgment until the judgment in *Commission v Greece (C-440/06, EU:C:2007:642)* 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 that the number of population equivalents of the agglomerations whose urban waste water treatment and collection systems have been rendered compliant with the judgment in *Commission v Greece (C-440/06, EU:C:2007:642)* at the end of the period in question bears to the number of population equivalents of the agglomerations not having such systems on the day of delivery of the present judgment;
3. Orders the Hellenic Republic to pay to the European Commission, into the 'European Union own resources' account, a lump sum of EUR 10 million;
4. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 261, 11.8.2014.

Judgment of the Court (Second Chamber) of 15 October 2015 (request for a preliminary ruling from the Tribunal Supremo — Spain) — Grupo Itevelesa SL, Applus Iteuve Technology, Certio ITV SL, Asistencia Técnica Industrial SAE v OCA Inspección Técnica de Vehículos SA, Generalidad de Cataluña

(Case C-168/14) ⁽¹⁾

(Reference for a preliminary ruling — Articles 49 TFEU and 51 TFEU — Freedom of establishment — Directive 2006/123/EC — Scope — Services in the internal market — Directive 2009/40/EC — Access to vehicle roadworthiness testing activities — Exercise by a private body — Activities connected with the exercise of official authority — Prior authorisation scheme — Overriding reasons relating to the public interest — Road safety — Territorial distribution — Minimum distance between roadworthiness testing centres — Maximum market share — Justification — Whether appropriate for the purpose of achieving the objective pursued — Coherence — Proportionality)

(2015/C 406/05)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicants: Grupo Itevelesa SL, Applus Iteuve Technology, Certio ITV SL, Asistencia Técnica Industrial SAE

Defendants: OCA Inspección Técnica de Vehículos SA, Generalidad de Cataluña

Operative part of the judgment

1. Article 2(2)(d) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market must be interpreted as meaning that vehicle roadworthiness testing activities are excluded from the scope of application of that directive.

2. The first paragraph of Article 51 TFEU must be interpreted as meaning that the activities of vehicle roadworthiness testing centres, such as those covered by the legislation at issue in the main proceedings, are not connected with the exercise of official authority within the meaning of that provision, notwithstanding the fact that the operators of those centres have the power to take vehicles off the road in cases where vehicles display, during the control, safety defects creating an imminent danger.
3. Article 49 TFEU must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which makes the authorisation for an undertaking or group of undertakings to open a vehicle roadworthiness testing centre subject to the condition, first, that there is a minimum distance between that centre and centres belonging to that undertaking or group of undertakings which are already authorised and, secondly, that that undertaking or group of undertakings will, if such an authorisation is granted, not hold a market share in excess of 50 %, unless it is established that that condition is genuinely appropriate in order to achieve the objectives of consumer protection and road safety and does not go beyond what is necessary for that purpose, these being matters for the referring court to determine.

⁽¹⁾ OJ C 175, 10.6.2014.

**Judgment of the Court (First Chamber) of 15 October 2015 (request for a preliminary ruling from the
Amtsgericht Laufen — Germany) — Criminal proceedings against Gavril Covaci**

(Case C-216/14) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Directive 2010/64/EU — Right to interpretation and translation in criminal proceedings — Language of the proceedings — Penalty order imposing a fine — Possibility of lodging an objection in a language other than the language of the proceedings — Directive 2012/13/EU — Right to information in criminal proceedings — Right to be informed of the charge — Service of a penalty order — Procedures — Mandatory appointment by the accused person of person authorised to accept service — Period for lodging an objection running from service on the person authorised to accept service)

(2015/C 406/06)

Language of the case: German

Referring court

Amtsgericht Laufen

Party in the main criminal proceedings

Gavril Covaci

Operative part of the judgment

1. Articles 1 to 3 of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings must be interpreted as not precluding national legislation such as that at issue in the main proceedings which, in criminal proceedings, does not permit the individual against whom a penalty order has been made to lodge an objection in writing against that order in a language other than that of the proceedings, even though that individual does not have a command of the language of the proceedings, provided that the competent authorities do not consider, in accordance with Article 3(3) of that directive, that, in the light of the proceedings concerned and the circumstances of the case, such an objection constitutes an essential document.