

2. Orders the European Commission to bear its own costs and to pay those incurred by the Republic of Lithuania;
3. Orders the Slovak Republic and the Republic of Poland to bear their own costs.

(¹) OJ C 211, 8.9.2007.

Judgment of the General Court of 29 March 2012 — Telefónica and Telefónica de España v Commission

(Case T-336/07) (¹)

(Competition — Abuse of a dominant position — Spanish markets for access to broadband internet — Decision declaring an infringement of Article 82 EC — Price-fixing — Margin squeeze — Definition of the markets — Dominant position — Abuse — Calculation of the margin squeeze — Effects of the abuse — Competence of the Commission — Rights of the defence — Subsidiarity — Proportionality — Legal certainty — Sincere cooperation — Principle of sound administration — Fines)

(2012/C 138/21)

Language of the case: Spanish

Parties

Applicants: Telefónica, SA (Madrid, Spain); and Telefónica de España, SA (Madrid) (represented by: F. González Díaz and S. Sorinas Jimeno, then F. González Díaz, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, É. Gippini Fournier and K. Mojzesowicz, acting as Agents)

Interveners in support of the defendant: France Telecom España, SA (Pozuelo de Alarcon, Spain) (represented by: S. Martínez Lage, H. Brokelmann and M. Ganino, lawyers); Asociación de Usuarios de Servicios Bancarios (Ausbanc Consumo) (Madrid) (represented by: L. Pineda Salido and I. Cámara Rubio, lawyers); and European Competitive Telecommunications Association (Wokingham, United Kingdom) (represented by: M. Di Stefano and A. Salerno, lawyers)

Re:

Annulment of Commission Decision C(2007) 3196 final, of 4 July 2007, relating to proceedings under Article 82 [EC] (Case COMP/38.784 — *Wanadoo España v Telefónica*), and, in the alternative, annulment or reduction of the fine imposed on the applicants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Telefónica, SA and Telefónica de España, SA to bear their own costs and to pay those incurred by the European Commission, France Telecom España, SA, the Asociación de Usuarios de Servicios Bancarios (Ausbanc Consumo) and the European Competitive Telecommunications Association, in accordance with the forms of order sought by the latter.

(¹) OJ C 269, 10.11.2007.

Judgment of the General Court of 29 March 2012 — Spain v Commission

(Case T-398/07) (¹)

(Competition — Abuse of dominant position — Spanish broadband internet access markets — Decision finding an infringement of Article 82 EC — Price-fixing — Margin squeeze — Sincere cooperation — Ultra vires application of Article 82 EC — Legal certainty — Protection of legitimate expectations)

(2012/C 138/22)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: N. Díaz Abad, abogado del Estado)

Defendant: European Commission (represented by: F. Castillo de la Torre, É. Gippini Fournier and K. Mojzesowicz, Agents)

Re:

Annulment of Commission Decision C(2007) 3196 final of 4 July 2007 relating to a proceeding pursuant to Article 82 [EC] (Case COMP/38.784 — *Wanadoo España v Telefónica*).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to pay the costs.

(¹) OJ C 8, 12.1.2008.