

- 3) The Portuguese Republic is ordered to pay to the European Commission, into the account 'European Union own resources', a penalty payment of EUR 10 000 for each day of delay in adopting the measures necessary to ensure compliance with the judgment in *Commission v Portugal* (C-154/09, EU:C:2010:591), from the date on which judgment is delivered in the present case until the date of full compliance with that judgment.
- 4) The Portuguese Republic is ordered to pay the costs.

⁽¹⁾ OJ C 123, 27.4.2013.

Judgment of the Court (Tenth Chamber) of 3 July 2014 — Electrabel SA v European Commission
(Case C-84/13 P) ⁽¹⁾

(Appeal — Concentration of undertakings — Commission decision — Order for payment of a fine — Infringement of Article 7 of Regulation (EEC) No 4064/89 — Control of concentrations between undertakings — Article 14(3) — Criteria to be taken into account in determining the amount of the fine — Taking into account the duration of the infringement — Principle of non-retroactivity of the law — Application of Regulation (EC) No 139/2004 — Obligation to state reasons)

(2014/C 292/07)

Language of the case: French

Parties

Appellant: Electrabel SA (represented by: M. Pittie and P. Honoré, lawyers)

Other party to the proceedings: European Commission (represented by: C. Giolito, V. Di Bucci and A. Bouquet, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Electrabel SA to pay the costs.

⁽¹⁾ OJ C 129, 4.5.2013.

Judgment of the Court (Fifth Chamber) of 3 July 2014 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Kamino International Logistics BV (C-129/13), Datema Hellmann Worldwide Logistics BV (C-130/13) v Staatssecretaris van Financiën

(Joined Cases C-129/13 and C-130/13) ⁽¹⁾

(Recovery of a customs debt — Principle of respect for the rights of the defence — Right to be heard — Addressee of the recovery decision not heard by the customs authorities before its adoption, but only during the subsequent objection stage — Infringement of the rights of the defence — Determination of the legal consequences of non-observance of the rights of the defence)

(2014/C 292/08)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden