

Appeal brought on 24 September 2018 by NKT Verwaltungs GmbH, formerly nkt cables GmbH, NKT A/S, formerly NKT Holding A/S against the judgment of the General Court (Eighth Chamber) delivered on 12 July 2018 in Case T-447/14: NKT Verwaltungs and NKT v Commission

(Case C-607/18 P)

(2018/C 427/38)

Language of the case: English

Parties

Appellants: NKT Verwaltungs GmbH, formerly nkt cables GmbH, NKT A/S, formerly NKT Holding A/S (represented by: B. Creve, advocaat, M. Kofmann, advokat)

Other party to the proceedings: European Commission

Form of order sought

The appellants claim that the Court should:

- set aside the judgment under appeal in whole or in part;
- annul the decision at issue ⁽¹⁾ in whole or in part;
- in the alternative, refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice;
- order a measure of organisation; and
- order the Commission to pay the costs of both the appeal proceedings and the proceedings before the General Court.

Pleas in law and main arguments

First plea: The General Court erroneously determined the territorial scope of the infringement.

Second plea: The General Court committed errors in law when assessing the scope of the SCI ⁽²⁾ and the scope of NKT's participation in and awareness of the SCI.

Third plea: The General Court committed errors in law when holding that the appellants' rights of defence had not been infringed.

Fourth plea: The General Court committed errors in law when rejecting the appellants' plea for an annulment or reduction of the fine.

⁽¹⁾ Commission Decision C(2014) 2139 final of 2 April 2014 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union and Article 53 of the EEA Agreement.

⁽²⁾ Single and continuous infringement.

Action brought on 2 October 2018 — European Commission v Republic of Poland

(Case C-619/18)

(2018/C 427/39)

Language of the case: Polish

Parties

Applicant: European Commission (represented by K. Banks, H. Krämer and S. Kaleda, acting as Agents)

Defendant: Republic of Poland

Form of order sought

The applicant claims that the Court should:

- declare that by lowering the retirement age of judges of the Sąd Najwyższy (Supreme Court) and applying it to judges appointed to the Supreme Court before 3 April 2018, and by granting the President of the Republic of Poland discretion to extend the active mandate of Supreme Court judges, the Republic of Poland has failed to fulfil its obligation under the second subparagraph of Article 19(1) of the Treaty on European Union, in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union;
- order the Republic of Poland to pay the costs.

Pleas in law and main arguments

First, the Commission claims that the provisions of the Law of 8 December 2017 on the Supreme Court (ustawa z dnia 8 grudnia 2017 r. o Sądzie Najwyższym), lowering the retirement age of judges currently in office, appointed to the Supreme Court before the date of entry into force of that law (3 April 2018), infringes the principle of security of tenure of judges.

Second, the Commission maintains that the provisions of the Law on the Supreme Court, granting the President of the Republic of Poland discretion to extend the active mandate of Supreme Court judges, infringes the principle of judicial independence.

Action brought on 2 October 2018 — Hungary v European Parliament and Council of the European Union**(Case C-620/18)**

(2018/C 427/40)

*Language of the case: Hungarian***Parties**

Applicant: Hungary (represented by: M.Z. Fehér, M.M Tátrai and G. Tornyai, acting as Agents)

Defendants: European Parliament, Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services;⁽¹⁾ in the alternative:
- annul the provisions of Article 1(2)(a) of Directive (EU) 2018/957 of the European Parliament and of the Council laying down point (c) and the third subparagraph of the new Article 3(1) of Directive 96/71/EC;
- annul the provisions of Article 1(2)(b) of Directive (EU) 2018/957 of the European Parliament and of the Council inserting paragraph 1a in Article 3 of Directive 96/71/EC;
- annul Article 1(2)(c) of Directive (EU) 2018/957 of the European Parliament and of the Council;
- annul Article 3(3) of Directive (EU) 2018/957 of the European Parliament and of the Council, and in addition;
- order the European Parliament and the Council of the European Union to pay the costs.