

Judgment of the Court (Fifth Chamber) of 25 June 2014 — Nexans SA, Nexans France v European Commission

(Case C-37/13 P) ⁽¹⁾

(Appeal — Competition — Regulation (EC) No 1/2003 — Administrative procedure — Inspection — Decision ordering an inspection — Obligation to state reasons — Reasonable grounds — Geographic market)

(2014/C 292/05)

Language of the case: English

Parties

Appellants: Nexans SA, Nexans France (represented by: M. Powell, Solicitor, J.-P. Tran-Thiet, avocat, G. Forwood, Barrister, and A. Rogers, Solicitor)

Other party to the proceedings: European Commission (represented by: R. Sauer, J. Bourke and N. von Lingen, acting as Agents)

Operative part of the judgment

The Court:

- 1) Dismisses the appeal.
- 2) Orders Nexans SA and Nexans France SAS to pay the costs of the present appeal.

⁽¹⁾ OJ C 101, 6.4.2013.

Judgment of the Court (Second Chamber) of 25 June 2014 — European Commission v Portuguese Republic

(Case C-76/13) ⁽¹⁾

(Failure to fulfil obligations — Directive 2002/22/EC — Electronic communications — Networks and services — Designation of the undertakings responsible for universal service obligations — Incorrect transposition — Judgment of the Court establishing a failure to fulfil obligations — Non-compliance — Article 260(2) TFEU — Financial penalties — Penalty payment — Lump sum payment)

(2014/C 292/06)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: P. Guerra e Andrade, G. Braun, L. Nicolae and M. Heller, acting as Agents)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes, acting as Agent, assisted by L. Morais, advogado)

Operative part of the judgment

- 1) By failing to adopt all of the measures necessary to ensure compliance with the judgment in *Commission v Portugal* (C-154/09, EU: C:2010:591), the Portuguese Republic has failed to fulfil its obligations under Article 260(1) TFEU.
- 2) The Portuguese Republic is ordered to pay to the European Commission, into the account 'European Union own resources', a lump sum of EUR 3 million.