Action brought on 27 March 2014 — European Commission v Republic of Bulgaria

(Case C-145/14)

(2014/C 159/25)

Language of the case: Bulgarian

Parties

Applicant: European Commission (represented by: S. Petrova and E. Sanfrutos Cano, acting as Agents)

Defendant: Republic of Bulgaria

Form of order sought

The European Commission claims that the Court should:

— declare that by failing to take the measures necessary to ensure that the existing landfill sites in the country could not continue to operate after 16 July 2009 unless they complied with the requirements of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste ([1]), the Republic of Bulgaria has failed to fulfil its obligations under Article 14 of that directive;

— order the Republic of Bulgaria to pay the costs.

Pleas in law and main arguments

In the answers to the reasoned opinion (the last answers date from 16 July 2013 and from 10 February 2014) the Bulgarian national authorities admitted that there are to date 100 landfill sites in operation in the Republic of Bulgaria which have not been adapted to the requirements of Article 14 of Directive 1999/31/EC.

The Commission therefore deems it necessary to bring an action before the Court of Justice of the European Union so that the Court declares that the Republic of Bulgaria has infringed that provision.

([1]) OJ 1999 L 182, p. 1.

Action brought on 31 March 2014 — European Commission v Republic of Latvia

(Case C-151/14)

(2014/C 159/26)

Language of the case: Latvian

Parties

Applicant: European Commission (represented by: I. Rubene and H. Stølbæk)

Defendant: Republic of Latvia

Form of order sought

The applicant claims that the Court should:

— hold that it is not permissible to consider that the functions of a notary, as currently regulated by the Latvian legal system, constitute an exercise of official authority of the Member State, within the meaning of the exception set out in the first paragraph of Article 51 of the Treaty on the Functioning of the European Union, and accordingly, hold that, in setting out a requirement of nationality for appointment as a notary, the Republic of Latvia's legislation discriminates on grounds of nationality prohibited by Article 49 of the Treaty.

— hold that, in making an appointment as a notary subject to a requirement of nationality, the Republic of Latvia has failed to fulfil its obligations under Article 49 of the Treaty.

— order the Republic of Latvia to pay the costs.

Pleas in law and main arguments

The Commission submits that the nationality requirement for access to the notarial profession is discriminatory and constitutes a disproportionate restriction on freedom of establishment. Consequently, the Republic of Latvia has failed to fulfill its obligations under Article 49 of the Treaty on the Functioning of the European Union.

The Commission submits that, by their nature, functions assigned to a notary in the Republic of Latvia's legislation are not related to the exercise of official authority and that, consequently, the requirement of nationality for access to the notarial profession cannot be justified by the exception set out in Article 51 of the Treaty on the Functioning of the European Union.

Appeal brought on 2 April 2014 by SKW Stahl-Metallurgie Holding AG, SKW Stahl-Metallurgie GmbH against the judgment delivered by the General Court (Third Chamber) on 23 January 2014 in Case T-384/09 SKW Stahl-Metallurgie Holding AG, SKW Stahl-Metallurgie GmbH v European Commission

(Case C-154/14 P)

(2014/C 159/27)

Language of the case: German

Parties

Appellants: SKW Stahl-Metallurgie Holding AG, SKW Stahl-Metallurgie GmbH (represented by: Dr. A. Birnstiel and Dr. S. Janka, Rechtsanwälte)

Other parties to the proceedings: Gigaset AG, European Commission

Form of order sought

1. Set aside in its entirety the judgment under appeal in so far as the appellants' claims were thereby dismissed, and grant in its entirety the form of order sought at first instance;

2. in the alternative, set aside in part the judgment under appeal;

3. in the further alternative, reduce, as the Court sees fit, the fines imposed on the appellants under Article 2(f) and (g) of the European Commission's decision on fines of 22 July 2009;

4. in the further alternative, set aside the judgment under appeal and refer the case back to the General Court;

5. in respect of points 1 to 4 above, order the respondent to pay the costs.

Pleas in law and main arguments

The appellants raise, in essence, four grounds of appeal:

1. The judgment of the General Court is wrong in law and should be set aside because it disregards the fact that the respondent infringed fundamental procedural rights of the appellants, such as the right to a fair hearing, in the proceedings relating to the fines. By upholding the respondent's assessment the General Court also acted in breach of the principle of proportionality and of the prohibition against the anticipatory assessment of evidence.

2. Further, the General Court disregards the fact that the respondent's decision and the fines set in various joint liability arrangements represents a misapplication of Article 101 TFEU and a breach of the respondent's obligation to state reasons pursuant to Article 296 TFEU, so that the General Court also reached a decision that is wrong in law in its application of the concept of an economic unit and as regards the scope of the legal obligation to state reasons.

3. By its judgment, and in upholding the respondent's decision, the General Court also acted in breach of the principles that penalties must be clear and that they must be appropriate to the offender and to the offence.