

**Judgment of the Court (Grand Chamber) of 16 July 2020 — European Commission v Ireland**(Case C-550/18) <sup>(1)</sup>

***(Failure of a Member State to fulfil obligations — Article 258 TFEU — Prevention of the use of the financial system for the purposes of money laundering or terrorist financing — Directive (EU) 2015/849 — Failure to transpose and/or to notify transposition measures — Article 260(3) TFEU — Application for an order to pay a lump sum)***

(2020/C 297/07)

Language of the case: English

**Parties**

*Applicant:* European Commission (represented by: T. Scharf, L. Flynn and G. von Rintelen, Agents)

*Defendant:* Ireland (represented by: G. Hodge, M. Browne and A. Joyce, Agents, and by P. McGarry, Senior Counsel, and G. Gilmore, Barrister at-Law)

*Interveners in support of the defendant:* Republic of Estonia (represented by: N. Grünberg, Agent), French Republic (represented by: A.-L. Desjonquères, B. Fodda and J.-L. Carré, Agents)

**Operative part of the judgment**

The Court:

1. Declares that, by having failed to adopt, on the expiry of the period prescribed in the reasoned opinion of 8 March 2018, all the laws, regulations and administrative provisions necessary to comply with Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, and, therefore, by having failed to notify those provisions to the European Commission, Ireland has failed to fulfil its obligations under Article 67 of Directive 2015/849;
2. Orders Ireland to pay the European Commission a lump sum in the amount of EUR 2 000 000;
3. Orders Ireland to pay the costs;
4. Orders the Republic of Estonia and the French Republic to bear their own costs.

<sup>(1)</sup> OJ C 436, 3.12.2018.

**Judgment of the Court (Second Chamber) of 16 July 2020 — Nexans France SAS, Nexans SA v European Commission**(Case C-606/18 P) <sup>(1)</sup>

***(Appeal — Competition — Cartels — European market for submarine and underground power cables — Market allocation in connection with projects — Regulation (EC) No 1/2003 — Article 20 — European Commission's powers of inspection in cartel proceedings — Power to copy data without a prior examination and to examine the data subsequently at the Commission's premises — Fines — Unlimited jurisdiction)***

(2020/C 297/08)

Language of the case: English

**Parties**

*Appellants:* Nexans France SAS, Nexans SA (represented by: G. Forwood, avocate, M. Powell and A. Rogers, Solicitors)

*Other party to the proceedings:* European Commission (represented by: C. Giolito, P. Rossi, C. Sjödin and F. Castilla Contreras, Agents)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Nexans France SAS and Nexans SA to pay the costs.

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(<sup>1</sup>) OJ C 427, 26.11.2018.

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**Judgment of the Court (Grand Chamber) of 16 July 2020 (request for a preliminary ruling from the Centrale Raad van Beroep — Netherlands) — AFMB Ltd and Others v Raad van bestuur van de Sociale verzekeringsbank**

(Case C-610/18) (<sup>1</sup>)

*(Reference for a preliminary ruling — Migrant workers — Social security — Legislation applicable — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Concept of ‘person who is a member of the travelling personnel of an undertaking’ — Regulation (EC) No 883/2004 — Article 13(1)(b) — Concept of ‘employer’ — Long-distance lorry drivers normally employed in one or more Member States or States of the European Free Trade Association (EFTA) — Long distance lorry drivers who have entered into an employment contract with one undertaking but are in fact subject to the authority of another undertaking established in the Member State where those drivers reside — Determination of which undertaking is the ‘employer’)*

(2020/C 297/09)

Language of the case: Dutch

**Referring court**

Centrale Raad van Beroep

**Parties to the main proceedings**

*Applicants:* AFMB Ltd and Others

*Defendant:* Raad van bestuur van de Sociale verzekeringsbank

**Operative part of the judgment**

Article 14(2)(a) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in the version as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004, and Article 13(1)(b)(i) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, must be interpreted as meaning that the employer of an international long-distance lorry driver, for the purposes of those provisions, is the undertaking which has actual authority over that long-distance lorry driver, which bears, in reality, the costs of paying his or her wages, and which has the actual power to dismiss him or her, and not the undertaking with which that long-distance lorry driver has concluded an employment contract and which is formally named in that contract as being the employer of that driver.

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(<sup>1</sup>) OJ C 455, 17.12.2018.