

- 3) Article 41(2)(b) of the Charter of Fundamental Rights of the European Union must be interpreted as meaning that the applicant for a residence permit cannot rely on that provision against the national authorities.

⁽¹⁾ OJ C 157, 2.6.2012.
OJ C 303, 6.10.2012.

Judgment of the Court (Fifth Chamber) of 10 July 2014 — Telefónica SA Telefónica de España SAU v European Commission, France Telecom España, SA, Asociación de Usuarios de Servicios Bancarios (Ausbanc Consumo), European Competitive Telecommunications Association

(Case C-295/12 P) ⁽¹⁾

(Article 102 TFEU — Abuse of dominant position — Spanish markets for access to broadband internet — Margin squeeze — Article 263 TFEU — Review of legality — Article 261 TFEU — Unlimited jurisdiction — Article 47 of the Charter — Principle of effective judicial protection — Review exercising powers of unlimited jurisdiction — Amount of the fine — Principle of proportionality — Principle of non-discrimination)

(2014/C 315/03)

Language of the case: Spanish

Parties

Appellants: Telefónica SA, Telefónica de España SAU (represented by: F. González Díaz and B. Holles, abogados)

Other parties to the proceedings: European Commission (represented by: F. Castillo de la Torre, É. Gippini Fournier and C. Urraca Caviedes, Agents), France Telecom España, SA (represented by: H. Brokelmann and M. Ganino, abogados), Asociación de Usuarios de Servicios Bancarios (Ausbanc Consumo), (represented by: L. Pineda Salido and I. Cámara Rubio, abogados), European Competitive Telecommunications Association, (represented by: A. Salerno and B. Cortese, avvocati)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Telefónica SA and Telefónica de España SAU to pay the costs;
3. Orders France Telecom España, SA, Asociación de Usuarios de Servicios Bancarios (Ausbanc Consumo) and the European Competitive Telecommunications Association to bear their own costs.

⁽¹⁾ OJ C 243, 11.8.2012.

Judgment of the Court (Fifth Chamber) of 17 July 2014 — European Commission v Portuguese Republic

(Case C-335/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Own resources — Post-clearance recovery of import duties — Financial liability of the Member States — Surplus stocks of non-exported sugar)

(2014/C 315/04)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: A. Caeiros, Agent)

Defendant: Portuguese Republic (represented by: L. Inez Fernandes, J. Gomes and P. Rocha, and by A. Cunha, Agents)