

**Judgment of the General Court of 16 September 2013 —
Orange v Commission**

(Case T-258/10) ⁽¹⁾

(State Aid — Compensation for public service costs in connection with a very high-speed broadband electronic communications network in the Hauts-de-Seine department — Decision finding no State aid — Failure to initiate the formal investigation procedure — Serious difficulties — Altmark judgment — Service of general economic interest — Market failure — Overcompensation)

(2013/C 336/35)

Language of the case: French

Parties

Applicant: Orange, formerly France Télécom (Paris, France) (represented: initially by M van der Woude and D. Gillet, and subsequently by D. Gillet and H. Viaene, lawyers)

Defendant: European Commission (represented by: B. Stromsky and C. Urraca Caviedes, acting as Agents)

Interveners in support of the defendant: The French Republic (represented: initially by G. de Bergues and J. Gstalter, and subsequently by D. Colas and J. Bousin, acting as Agents); the Hauts-de-Seine department (France) (represented by: J.-D. Bloch and G. O'Mahony, lawyers); and Sequalum SAS (Puteaux, France) (represented by: L. Feldman, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 7426 final of 30 September 2009 concerning the compensation for public service costs for the establishment and operation of a very high-speed broadband electronic communications network in the Hauts-de-Seine department (State Aid N 331/2008 — France).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Orange to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Hauts-de-Seine department, Sequalum SAS and the French Republic to pay their own costs.

⁽¹⁾ OJ C 234, 28.8.2010.

**Judgment of the General Court of 16 September 2013 —
Iliad and Others v Commission**

(Case T-325/10) ⁽¹⁾

(State Aid — Compensation for public service costs in connection with a very high-speed broadband electronic communications network in the Hauts-de-Seine department — Decision finding no State aid — Failure to initiate the formal investigation procedure — Serious difficulties — Altmark judgment — Service of general economic interest — Market failure — Overcompensation)

(2013/C 336/36)

Language of the case: French

Parties

Applicants: Iliad (Paris, France); Free infrastructure (Paris); and Free (Paris) (represented by: T. Cabot, lawyer)

Defendant: European Commission (represented by: B. Stromsky and C. Urraca Caviedes, acting as Agents)

Interveners in support of the defendant: The French Republic (represented: initially by G. de Bergues and J. Gstalter, and subsequently by D. Colas and J. Bousin, acting as Agents); the Republic of Poland (represented initially by M. Szpunar and B. Majczyna, and subsequently by B. Majczyna, acting as Agents); the Hauts-de-Seine department (France) (represented by: J.-D. Bloch and G. O'Mahony, lawyers)

Re:

Application for annulment of Commission Decision C(2009) 7426 final of 30 September 2009 concerning the compensation for public service costs for the establishment and operation of a very high-speed broadband electronic communications network in the Hauts-de-Seine department (State Aid N 331/2008 — France).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Iliad, Free infrastructure and Free to bear their own costs and to pay those incurred by the European Commission;
3. Orders the Hauts-de-Seine department, the French Republic and the Republic of Poland to pay their own costs.

⁽¹⁾ OJ C 288, 23.10.2010.