

**Judgment of the General Court of 28 June 2016 — Telefónica v Commission**(Case T-216/13) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Portuguese and Spanish telecommunications markets — Non-competition clause in relation to the Iberian market inserted into the agreement for the acquisition by Telefónica of the share held by Portugal Telecom in the Brazilian mobile operator Vivo — Statutory safeguard ‘to the extent permitted by law’ — Infringement by object — Ancillary restriction — Autonomy of the applicant’s conduct — Potential competition — Infringement by effects — Calculation of the amount of the fine — Request for the hearing of witnesses)*

(2016/C 287/22)

Language of the case: Spanish

**Parties**

*Applicant:* Telefónica, SA (Madrid, Spain) (represented by: J. Folguera Crespo, P. Vidal Martínez and E. Peinado Iríbar, lawyers)

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

**Subject matter**

Application for, primarily, annulment of Commission Decision C (2013) 306 final of 23 January 2013 relating to a proceeding under Article 101 TFEU (Case COMP/39.839 — Telefónica/Portugal Telecom) and, in the alternative, a reduction of the fine.

**Operative part of the judgment**

*The Court:*

1. Sets aside Article 2 of Commission Decision C (2013) 306 final of 23 January 2013 relating to a proceeding under Article 101 TFEU (Case COMP/39.839 — Telefónica/Portugal Telecom) in so far as it fixes the amount of the fine imposed on Telefónica, SA at EUR 66 894 000, to the extent that that amount was fixed on the basis of the value of the sales taken into account by the European Commission;
2. Dismisses the remainder of the action;
3. Orders Telefónica to bear three quarters of its own costs and to pay one quarter of the costs incurred by the Commission, and orders the Commission to bear three quarters of its own costs and to pay one quarter of the costs incurred by Telefónica.

<sup>(1)</sup> OJ C 156, 1.6.2013.

**Judgment of the General Court of 28 June 2016 — AF Steelcase v EUIPO**(Case T-652/14) <sup>(1)</sup>

*(Public service contracts — Tender procedure — Supply and installation of furniture and accessories at EUIPO’s head offices — Rejection of a tenderer’s tender — Action for annulment — Award decision — No direct concern — Inadmissibility — Obligation to state reasons — Principle of sound administration — Proportionality — System for excluding tenders — Non-contractual liability — Material damage — Non-material damage)*

(2016/C 287/23)

Language of the case: Spanish

**Parties**

*Applicant:* AF Steelcase SA (Madrid, Spain) (represented by: Rodríguez Bajón and A. Gómez-Acebo Dennes, lawyers)