

Recent case law in telecommunications
(update since last edition of the Guide to the Case Law)
Situation as of 16 June 2009

Infringement proceedings			
C-387/06	Commission vs. Finland	10/01/2008	Powers of the NRA (fixed to mobile termination)
C-220/07	Commission vs. France	19/06/2008	Designation of universal service provider
C-227/07	Commission vs. Poland	13/11/2008	Powers of the NRA
C-230/07	Commission vs. Netherlands	09/10/2008	Caller location for 112
C-274/07	Commission vs. Lithuania	11/09/2008	Caller location for 112
C-458/07	Commission vs. Portugal	12/03/2009	Directory services
C-492/07	Commission vs. Poland	22/01/2009	Definition of subscribers
C-493/07	Commission vs. Slovakia	25/07/2008	Caller location for 112
C-539/07	Commission vs. Italy	15/01/2009	Caller location for 112
Preliminary proceedings			
C-380/05	Centro Europa 7	31/01/2008	Rights of use of TV frequencies
C-426/05	Tele2UTA	21/02/2008	Right of appeal
C-55/06	Arcor	24/04/2008	Cost orientation of unbundling tariffs
C-250/06	UPC Belgium <i>et alt.</i>	11/12/2007	Must-carry obligations
C-262/06	Deutsche Telekom	22/11/2007	Transitional regime for retail price regulation
C-275/06	Promusicae	29/01/2008	Data protection and copyright enforcement
C-296/06	Telecom Italia	21/02/2008	Licence fees
C-82/07	Comisión del Mercado de las Telecomunicaciones (CMT)	06/03/2008	Functions of the NRA related to numbering
C-152/07- C-154/07	Arcor and others	17/07/2008	Connection cost contribution for C(P)S / direct effect
C-336/07	Kabel Deutschland Vertrieb	22/12/2008	Must carry obligations
Related issues			
C-366/05	Optimus – Telecomunicações	21/06/2007	Indirect taxes on the raising of capital
C-125/06P	Commission vs. Infront	13/03/2008	TV Without Frontiers
C-195/06	KommAustria	18/10/2007	TVWF Directive
C-306/06	01051 Telecom GmbH	03/04/2008	Late payment interest for invoicing services
C-441/06	Commission vs. France	18/10/2007	Recuperation of state aids for France Télécom

C-533/06	O2 Holding & O2 (UK)	12/06/2008	Comparative advertisement and registered trademark
C-52/07	Kanal 5 and TV 4	11/12/2008	Abuse of a dominant position by a copyright management organisation
C-222/07	UTECA	05/03/2009	TV Without Frontiers (Funding of European Films)
C-298/07	Verbraucherzentrale Bundesverband	16/10/2008	Electronic commerce – contact details of ISPs
C-304/07	Directmedia Publishing	09/10/2008	Legal protection of databases
C-324/07	Coditel Brabant	13/11/2008	Public service concession for the provision of cable TV
C-333/07	Société Régie Networks	22/12/2008	Aid scheme to support local radio broadcasting
C-431/07P	Bouygues SA and Bouygues Télécom vs. Commission	02/04/2009	Reduction of UMTS licence fees
C-557/07	LSG	19/02/2009	Copyright enforcement and data protection
C-8/08	T-Mobile Netherlands and others	04/06/2009	Concerted practice under Article 81 EC
C-132/08	Lidl Magyarország	30/04/2009	RTTE (Safety of radio and telecoms terminal equipment)
C-243/08	Pannon GSM	04/06/2009	Unfair terms in consumer contracts

Conclusions of the General Advocate			
C-424/07	Commission vs. Germany	23/04/2009	New markets
C-40/08	Asturcom Telecomunicaciones	14/05/2009	Unfair terms in consumer contracts
C-192/08	TeliaSonera Finland	14/05/2009	Obligation to negotiate on interconnection

Proceedings under Article 230 EC (actions for annulment)			
C-125/06P	Commission vs. Infront	13/03/2008	TV Without Frontiers – list of designated events
C-301/06	Ireland vs. Council and European Parliament	10/02/2009	Action of annulment of the Data Retention Directive
C-202/07P	France Telecom vs. Commission	02/04/2009	Predatory pricing for ADSL services
C-431/07P	Bouygues SA and Bouygues Télécom vs. Commission	02/04/2009	Reduction of UMTS licence fees
T-271/03	Deutsche Telekom vs. Commission	10/04/2008	Action for annulment of Commission decision on excessive pricing for access

			to the local network
T-433/03 <i>ed alt.</i>	Gibtelecom vs. Commission	26/06/2008	Complaints under Article 86(3) EC
T-442/03	SIC – Sociedade Independente de Comunicação	26/06/2008	State aid of RTP – Radiotelevisão Portuguesa
T-201/04	Microsoft vs. Commission	17/09/2007	Abuse of a dominant position
T-309/04 <i>et alt.</i>	TV2 Danmark v. Commission	22/10/2008	Broadcasting as service of general economic interest
T-475/04	Bouygues SA and Bouygues Télécom vs. Commission	04/07/2007	Reduction of UMTS licence fees
T-354/05	TF1 vs. Commission	11/03/2009	State aid – Financing of public broadcasting
T-411/05	Annemans vs. Commission	12/07/2007	Competition complaint
T-109/06	Vodafone España and Vodafone Group vs. Commission	12/12/2007	Action for annulment of Commission comments under Article 7 FD
T-295/06	BASE vs. Commission	22/02/2008	Action for annulment of Commission comments under Article 7 FD
New pending proceedings			
C-58/08	Vodafone and others		Validity of the Roaming Regulation
C-171/08	Commission v. Portugal		Golden share in PT
C-222/08	Commission vs. Belgium		Universal service – special tariffs
C-280/08P	Deutsche Telekom v. Commission		ADSL price squeeze – Art. 82 EC
C-309/08	Commission vs. Poland		Independence of the NRA
C-317/08- C-320/08	Alassini and others		Out-of-court dispute resolution
C-389/08	Base <i>et alt.</i>		Universal service financing – unfair burden
C-522/08	Telekomunikacja Polska		Obligation to provide unbundled retail offers
C-545/08	Commission vs. Poland		Broadband retail regulation without prior market analysis
C-569/08	Internetportal und Marketing		Registration of .eu domain name
C-52/09	TeliaSonera Sverige		Art. 82 – price squeeze/bitstream
C-92/09, C-93/09	Volker und Markus Schecke		Validity of Data Retention Directive
C-99/09	Polska Telefonia		Number portability - charges to subscribers
C-143/09	Pannon		Universal service fees

C-154/09	Commission vs. Portugal		Designation of universal service provider
T-177/07	Mediaset vs. Commission		State aid for digital decoders
T-336/07	Telefónica vs. Commission		ADSL prize squeeze
T-398/07	Spain vs. Commission		ADSL prize squeeze
T-2/08	Landesanstalt für Medien NRW vs. Commission		State aid for introduction of DVB-T
T-441/08	ICO vs. Parliament and Council		Validity of MSS-Decision
T-196/09	TerreStar Europe vs. Commission		Validity of MSS Selection Decision
Proceedings removed from the register of the Court			
C-190/06	Belgacom Mobile	11/07/2007	GSM gateways
C-366/06	DNA Verkot	19/03/2007	Appeal procedure and veto decision
C-15/07	01018 Telecom	23/04/2007	Transitional regime; interconnection fees
C-148/07	Commission vs. Hungary	06/09/2007	Restrictions to cable service providers
C-234/07	Commission vs. Portugal	29/11/2007	Caller location for 112
C-419/07	Commission vs. Sweden	08/07/2008	Exclusive rights for broadcasting transmission services
T-96/07	Telecom Italia Media vs. Commission	19/03/2009	State aid for digital decoders
T-188/07	Fastweb vs. Commission	25/11/2008	State aid for digital decoders