

Recent case law in telecommunications
(update since last edition of the Guide to the Case Law)
Situation as of 19 May 2011

Infringement proceedings

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|----------|-----------------------|------------|---|
| C-171/08 | Commission v Portugal | 8/07/2010 | State's golden shares in Portugal Telecom |
| C-222/08 | Commission v Belgium | 6/10/2010 | Universal service – special tariffs |
| C-545/08 | Commission v Poland | 6/05/2010 | Broadband retail regulation without prior market analysis |
| C-154/09 | Commission v Portugal | 7/10/2010 | Designation of universal service provider |
| C-185/09 | Commission v Sweden | 4/02/2010 | Non transposition of Data Retention Directive |
| C-189/09 | Commission v Austria | 29/07/2010 | Non transposition of Data Retention Directive |
| C-134/10 | Commission v Belgium | 3/03/2011 | TV ‘must-carry’ regime in Brussels |

Preliminary proceedings - under Article 267 TFEU

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|------------------------|-----------------------------|------------|--|
| C-317/08 - C-320/08 | Alassini and others | 18/03/2010 | Out-of-court dispute resolution |
| C-389/08 | Base and others | 6/10/2010 | Universal Service – special tariffs |
| C-522/08 | Telekomunikacja Polska S.A. | 11/03/2010 | Prohibition of combined sales |
| C-92/09, C-93/09 | Volker und Markus Schecke | 9/11/2010 | Validity of Data Retention Directive |
| C-99/09 | Polska Telefonia | 1/07/2010 | Number portability – charges to subscribers |
| C-410/09 | Polska Telefonia Cyfrowa | 12/05/2011 | SMP Guidelines (lack of Polish language version) |
| C-492/09 | Società Agricola Esposito | 15/12/2010 | Tax on mobile contracts |
| C-543/09 | Deutsche Telecom | 12/05/2011 | Subscriber data for directory enquiry services |
| C-16/10 | The Number (UK) and Conduit | 17/02/2011 | Universal directory service provision |
| C-85/10 | Telefónica Móviles España | 10/03/2011 | Wireless spectrum usage fees |

Related issues

| | | | |
|------------------------|------------------------------------|------------|---|
| C-518/07 | Commission v Germany | 9/03/2010 | Independence of national data protection authority |
| C-236/08, C-237/08, | Google France and Google | 23/03/2010 | Internet search engines |
| C-258/08 | Ladbrokes Betting et al. | 3/06/2010 | Games of chance via the internet |
| C-278/08 | BergSpechte | 25/03/2010 | Keyword advertising and trade mark |
| C-439/08 | VEBIC | 7/12/2010 | Regulation 1/2003 - plurality of national competition authorities in a MS |
| C-467/08 | SGAE | 21/10/2010 | Copyright in Information Society - fair compensation |
| C-558/08 | Portakabin and Portakabin | 8/07/2010 | Keyword advertising on the internet |
| C-569/08 | Internetportal und Marketing | 3/06/2010 | Registration of .eu domain name |
| C-52/09 | TeliaSonera | 17/02/2011 | Art. 102 TFEU (ex Art. 82 TEC) – price squeeze/bitstream |
| C-136/09 | Organismos Sillogikis | 18/03/2010 | Copyright in information Society - TV in hotel room |
| C-288/09 C-289/09 | British Sky Broadcasting Group plc | 14/04/2011 | Set-top boxes (custom's classification) |
| C-375/09 | Tele 2 Polska | 3/05/2011 | Art. 102 TFEU (ex Art. 82 TEC) - Powers of the National Competition Authority |
| C-517/09 | RTL Belgium | 22/12/2010 | Audiovisual Media Services Directive (effective control) |

Conclusions of the Advocate General

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|-----------------------|--|------------|---|
| C-403/08, C-429/08 | Football Association Premier League and Others | 3/02/2011 | Freedom to provide services |
| C-324/09 | L'Oréal e.a. | 9/12/2010 | Internet search engines, keyword advertising |
| C-431/09, C-432/09 | Airfield and Canal Digitaal | 17/03/2011 | Satellite broadcasting - copyright issues |
| C-462/09 | Stichting de ThuisKopie | 10/03/2011 | Copyright levies |
| C-509/09, C-161/10 | eDate Advertising Martinez and Martinez | 29/03/2011 | Publication of information on the Internet |
| C-70/10 | Scarlet | 14/04/2011 | Intellectual property and data protection (ISP traffic filtering) |
| C-71/10 | Office of Communicaton | 10/03/2011 | Access to database of mobile base stations |

Proceedings under Article 263 TFEU - actions for annulment

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|------------------------|---------------------------------|------------------|---|
| C-58/08 | Vodafone and others | 8/06/2010 | Validity of the Roaming Regulation |
| C-280/08 P | Deutsche Telekom v Commission | 14/10/2010 | Art. 102 TFEU (ex Art. 82 TEC) - Margin squeeze/excessive pricing for access to the local |
| T-425/04, T-444/04, | France et al. v Commission | 21/05/2010 | State aid to France Télécom |
| T-193/06 | TF1 v Commission | 13/09/2010 | State aid to France Télévisions |
| T-231/06, T-237/06 | Netherlands v Commission | 16/12/2010 | State aid to the Dutch public broadcaster - ad hoc financing |
| T-177/07 | Mediaset v Commission | 15/06/2010 | State aid for digital decoders |
| T-385/07 | FIFA v Commission | 17/02/2011 | TVWF - discretion to determine free to view sporting events |
| T-55/08 | UEFA v Commission | 17/02/2011 | TVWF - discretion to determine free to view sporting events |
| T-68/08 | FIFA v Commission | 17/02/2011 | TVWF - discretion to determine free to view sporting events |
| T-441/08 | ICO Services v Commission | 21/05/2010 | Validity of the legislative MSS Decision |
| T-568/08, T-573/08 | M6 v Commission v Commission | TF1 1/07/2010 | State aid to France Télévisions |
| T-79/10 R | Colt v Commission | 9/06/2010 | Broadband state aid (Hauts-de-Seine) |

New Pending Proceedings

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|------------|---|--|---|
| C-81/10 P | France and France Telecom v Commission | | State aid to France Télécom |
| C-277/10 | Luksan | | Copyrights applicable to satellite broadcasting and cable retransmission |
| C-284/10 | Telefónica de España | | Annual fee to holders of general authorisations |
| C-360/10 | Sabam | | Copyright enforcement and data protection |
| C-399/10 P | Bouygues et Bouygues Télécom v Commission | | State aid to France Télécom |
| C-401/10 P | Commission v France e.a. | | State aid to France Télécom |
| C-451/10 P | TF1 and M6 v Commission | | State aid to France Télévisions |
| C-461/10 | Bonnier Audio and others | | Data retention and intellectual property rights enforcement (IP adresses) |
| C-55/11 | Vodafone España | | Art. 13 of the Autorisation Directive - Fees for rights of use and rights to install facilities |

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| C-57/11 | Vodafone España | | Art. 13 of the Authorisation Directive - Fees for rights of use and rights to install facilities |
| C-58/11 | France Telecom España | | Art. 13 of the Authorisation Directive - Fees for rights of use and rights to install facilities |
| T-350/09 | ICO Satellite v. Commission | | MSS Selection Decision |
| T-458/09 | Slovak Telecom v Commission | | Competition law, accession issues |
| T-207/10 | Deutsche Telekom AG v Commission | | State aid to Deutsche Telekom |
| T-226/10 | UKE v Commission | | Action for annulment of Commission Veto Decision under Art. 7 of the Framework |
| T-228/10 | Telefónica v Commission | | State aid to Telefónica |
| T-258/10 | France Télécom v Commission | | State aid to France Télécom |
| T-362/10 | Vtesse Networks v Commission | | State aid to support the deployment of next generation broadband networks |
| T-501/10 | TI Media Broadcasting and TI Media v Commission | | Restrictions placed on a broadcaster preventing it from entering the digital terrestrial broadcast market |

Closure without need to adjudicate

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| C-309/08 | Commission v Poland | 17/09/2009 | Independence of the National Regulatory Authority |
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Proceedings removed from the register of the Court

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| C-390/09 | Reti Televisive Italiane | 11/02/2011 | Television Without Frontiers Directive – primacy of EU law |
| T-533/08 | Telekomunikacja Polska | 19/03/2010 | Art. 102 TFEU (ex Art. 82 TEC) - Abuse of a dominant position, antitrust raids carried out by the Commission |
| T-196/09 | TerreStar Europe v Commission | 1/03/2010 | Validity of MSS Selection Decision |