



TRIBUNAL DE PRIMERA INSTANCIA DE LAS COMUNIDADES EUROPEAS  
SOD PRVNÍHO STUPNĚ EVROPSKÝCH SPOLEČENSTVÍ  
DE EUROPÆISKE FÆLLESSKABERS RET I FØRSTE INSTANS  
GERICHT ERSTER INSTANZ DER EUROPÄISCHEN GEMEINSCHAFTEN  
EUROOPA ÜHENDUSTE ESIMESE ASTME KOHUS  
ΠΡΩΤΟΔΙΚΕΙΟ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ  
COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES  
TRIBUNAL DE PREMIÈRE INSTANCE DES COMMUNAUTÉS EUROPÉENNES  
CÚIRT CHÉADCHÉIME NA GCOMHPHOBAL EORPACH  
TRIBUNALE DI PRIMO GRADO DELLE COMUNITÀ EUROPEE  
EIROPAS KOPIENU PIRMĀS INSTANCES TIESA

EUROPOS BENDRIŲ PIRMOSIOS INSTANCIJOS TEISMAS  
EURÓPAI KÖZÖSSÉGEK ELSŐFOKÚ BÍRÓSÁGA  
IL-QORT TAL-PRIMĪSTANZA TAL-KOMUNITAJIET EWROPEJ  
GERECHT VAN EERSTE AANLEG VAN DE EUROPESE GEMEENSCHAPPEN  
SĄD PIERWSZEJ INSTANCIJ WSPÓLNOT EUROPEJSKICH  
TRIBUNAL DE PRIMEIRA INSTÂNCIA DAS COMUNIDADES EUROPEIAS  
SÚD PRVÉHO STUPŇA EURÓPSKYCH SPOLOČENSTEV  
SODIŠČE PRVE STOPNJE EVROPSKIH SKUPNOSTI  
EUROOPAN YHTEISÖJEN ENSIMMÄISEN OIKEUSASTEEN TUOMIOISTUIN  
EUROPEISKA GEMENSKAPERNAS FÖRSTAINSTANSRÄTT

## Press and Information

### PRESS RELEASE No° 110/05

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Judgment of the Court of First Instance in Case T-33/01

*Infront WM AG v Commission of the European Communities*

### **THE COURT OF FIRST INSTANCE ANNULS THE COMMISSION'S DECISION APPROVING THE UK MEASURES ON TELEVISION COVERAGE OF EVENTS OF MAJOR IMPORTANCE FOR THE UK PUBLIC**

By contracts concluded with the International Federation of Football Association (FIFA), Kirch Media, now Infront, acquired exclusive broadcasting rights for the 2002 and 2006 football World Cup finals for the European continental countries, for Russia, the other former soviet socialist republics and Turkey.

Directive 89/552/EEC of 3 October 1989, as amended<sup>1</sup>, which governs television broadcasting, provides that each Member State may take measures to ensure that television broadcasters in its territory do not broadcast exclusively events of major importance for society, such as the Olympic Games, the World Cup and the European football championship, in such a manner as to deprive a substantial proportion of its public of the possibility of following them on free-to-air television.

Any Member State wishing to have mutual recognition of its national measures must notify them to the Commission, which publishes them in the Official Journal once it has verified that they are compatible with Community law. The other Member States are then bound to ensure that those measures are respected by television broadcasters within their jurisdiction who operate in the Member State which notified them.

In that context the United Kingdom notified to the Commission a set of measures relating to television coverage of events of major importance in that country, including the football World Cup finals. In a letter addressed to the United Kingdom the Commission indicated that it had no objections to the measures notified and would therefore proceed to publish them.

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<sup>1</sup> Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in the Member States concerning the pursuit of television broadcasting activities (OJ 1989 L 298, p.23), as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 (OJ 1997 L 202, p.60).

Infront brought an action before the Court of First Instance challenging the legality of the Commission's letter finding that the measures notified were compatible with Community law.

*The Court finds that the letter is a decision open to an action and that Infront can seek its annulment*

As regards the nature of the letter addressed by the Commission to the United Kingdom, the Court finds that it has binding legal effects and is therefore a decision which is open to challenge.

Next, it finds that Infront is directly concerned by the contested decision inasmuch as it enables the mechanism of mutual recognition to be implemented.

Lastly, the Court finds that Infront, as holder of exclusive television broadcasting rights for an event included in the list of measures notified by the United Kingdom and having acquired those rights prior to the adoption of the measures applicable in the United Kingdom and, a fortiori, prior to their approval by the Commission, must be considered to be individually concerned by the contested decision.

The Court therefore dismisses the objection of inadmissibility raised by the Commission.

*The Court finds that the author of the act lacked powers*

In support of its action Infront relied on four pleas, one relating to breach by the Commission of essential procedural requirements. In that regard the Court notes that the Commission has already admitted, concerning the adoption of the contested decision, that the College of Commissioners had not been consulted and that the Director-General who signed that decision had received no specific power from the College.

Accordingly, **the Court annuls the contested decision.**

**REMINDER: An appeal, limited to points of law only, may be brought before the Court of Justice of the European Communities against a decision of the Court of First Instance, within two months of its notification.**

*Unofficial document for media use, not binding on the Court of First Instance.*

*Languages available: CS, DE, EN, ES, EL, FR, HU, PL, SK, SL*

*The full text of the judgment may be found on the Court's internet site*

*<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

*For further information, please contact Christopher Fretwell*

*Tel: (00352) 4303 3355 Fax: (00352) 4303 2731*