



Press and Information

General Court of the European Union
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Judgment in Joined Cases T-458/09 and T-171/10
Slovak Telekom a.s. v Commission

The Commission was entitled, during its investigation regarding competition law, to request Slovak Telekom to provide it with information on its activities prior to the accession of Slovakia to the European Union

The Commission must be able to obtain all the information necessary to enable it to assess whether that undertaking complied with the competition rules after 1 May 2004

Slovak Telekom is a Slovak telecommunications undertaking, the majority of the shares in which are held by Deutsche Telekom.

In January 2009, the Commission conducted an inspection at the premises of Slovak Telekom. It then informed that company that it had decided to initiate proceedings against it to determine whether it had abused its dominant position in the Slovak telecommunications sector. By two decisions,¹ the Commission ordered Slovak Telekom to provide it with information on its activities, not only during the period following the accession of Slovakia to the European Union, but also during the period prior to its accession. The Commission stated, none the less, that it did not intend to find an infringement of the competition rules of the European Union for the period before 1 May 2004, but to obtain relevant information to enable it to assess, in full knowledge of the facts and in their correct economic context, the compatibility of Slovak Telekom's conduct with the competition rules after that date.

Considering that the Commission was not competent to request information relating to the period before 1 May 2004, Slovak Telekom brought two actions before the General Court seeking the annulment of the Commission's decisions.

In today's judgment, the Court notes, first of all, that competition law of the European Union² grants the Commission broad powers of investigation and review. Accordingly, the Commission may require undertakings to provide it with such information as is necessary to detect any abuse of a dominant position, as prohibited by the competition rules. In that regard, the Court states that **the Commission may have access to information which may legitimately be regarded as having a connection with the putative infringement**. Moreover, given its broad powers of investigation and assessment, it is for the Commission to decide whether the information which it requests from the undertakings concerned is necessary.

In those circumstances, the Court notes that **the Commission may request from an undertaking information relating to a period during which the competition rules of the European Union did not apply to it, if such information is necessary for the detection of a possible infringement of those rules from the point at which they became applicable**.

In that regard, the Court also rejects Slovak Telekom's argument that there is no nexus between the infringement allegedly committed by that company and the requested information. The Court states that that information, irrespective of the fact that it predates the alleged period of infringement, may enable the Commission to define the markets at issue, to determine whether the

¹ Decisions C(2009) 6840 of 3 September 2009 and C(2010) 902 of 8 February 2010.

² Council Regulation No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

undertaking concerned holds a dominant position on those markets or to assess the gravity of the infringement. Moreover, certain figures relating to the period before 1 May 2004 may prove necessary to the Commission for it to be able to describe the conduct at issue in its economic context.

Consequently, the Court finds that **the Commission was able to request Slovak Telekom to provide it with the information contained in the contested decisions and dismisses the actions brought by that company.**

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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