



C/2026/2500

11.5.2026

Judgment of the Court (Eighth Chamber) of 5 March 2026 (request for a preliminary ruling from the Tribunale amministrativo regionale per il Lazio – Italy) – Elettronica Industriale SpA v Ministero delle Imprese e del Made in Italy

(Case C-10/25, ⁽¹⁾ Elettronica Industriale)

(Reference for a preliminary ruling – Electronic communications networks and services – Directive 2002/20/EC – Article 13 – Fees for rights of use for digital television frequencies – Directive 2002/21/EC – Article 8 – General objectives – Proportionality – Criterion for assessing fees linked to the collection of a predetermined amount of annual revenue with a financial objective)

(C/2026/2500)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per il Lazio

Parties to the main proceedings

Applicant: Elettronica Industriale SpA

Defendant: Ministero delle Imprese e del Made in Italy

Intervening party: Persidera SpA

Operative part of the judgment

Article 13 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009, read in conjunction with Article 8 of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), as amended by Directive 2009/140, and the principle of proportionality

must be interpreted as not precluding national legislation which imposes a criterion for calculating fees for rights of use for digital television frequencies, determined on the basis of a predefined amount of annual revenue to be derived from those fees and, therefore, of general objectives of a financial nature, provided that that amount does not exceed the value of the rights of use for those frequencies.

⁽¹⁾ OJ C, C/2025/2058.