

Other parties to the proceedings: European Parliament (represented by: L.G. Knudsen and K. Zejdová, Agents), Council of the European Union (represented by: M. Bauer and K. Zieleškiewicz, Agents)

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 18 September 2008 in Case T-47/05 *Angé Serrano and Others v Parliament*, in which the Court of First Instance dismissed the applicants' application for annulment of the individual decisions classifying them in grade, taken pursuant to transitional measures laid down in Annex XIII and, in particular, Article 2 of the Staff Regulations of officials of the European Communities, as amended by Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 (OJ 2004 L 124, p. 1) — Ending, following entry into force of the new Staff Regulations, of classification in grade following success in an internal competition held under the old Staff Regulations — Whether interest in bringing an action retained despite the contested decisions becoming obsolete — Principles of the retaining of acquired rights and the protection of legitimate expectations — Principle of equal treatment

Operative part of the judgment

The Court:

1. Dismisses the main appeal;
2. Dismisses the cross appeal;
3. Orders Ms Angé Serrano, Mr M. Bras, Orcajo Teresa, Decoutere, Hau, Solana Ramos, the European Parliament and the Council of the European Union to bear their own costs.

(¹) OJ C 44, 21. 2. 2009.

Judgment of the Court (Third Chamber) of 11 March 2010 (reference for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland)) — Telekomunikacja Polska SA w Warszawie v Prezes Urzędu Komunikacji Elektronicznej

(Case C-522/08) (¹)

(Electronic communications — Telecommunications services — Directive 2002/21/EC — Directive 2002/22/EC — Making the conclusion of a contract for the provision of services contingent on the conclusion of a contract for the supply of other services — Prohibition — Broadband internet)

(2010/C 113/16)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: Telekomunikacja Polska SA w Warszawie

Defendant: Prezes Urzędu Komunikacji Elektronicznej

Re:

Reference for a preliminary ruling — Naczelny Sąd Administracyjny — Interpretation of Article 95 EC; of recital 13 in the preamble to, and Articles 5 and 8 of, Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities ('Access Directive') (OJ 2002 L 108, p. 7); of the provisions 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') (OJ 2002 L 108, p. 21); of recitals 1 and 28 in the preamble to, and Articles 1(3), 3, 7, 8, 14, 15, 16 and 19 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') (OJ 2002 L 108, p. 33), and of recital 26 in the preamble to, and Articles 16 and 17 of, Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services ('Universal Service Directive') (OJ 2002 L 108 p. 51) — National legislation prohibiting any provider of telecommunication services from making the conclusion of a contract for the provision of services contingent on the purchase of another service — Conclusion of a contract for the provision of broadband internet access made subject to the conclusion of a contract for the provision of telephone services

Operative part of the judgment

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) and Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) must be interpreted as not precluding national legislation, such as Article 57(1)(1) of the Polish Law on Telecommunications (ustawa — Prawo telekomunikacyjne) of 16 July 2004, in the version applicable to the facts in the main proceedings, which prohibits making the conclusion of a contract for the provision of services contingent on the conclusion, by the end user, of a contract for the provision of other services.

However, Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business to consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and

Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') must be interpreted as precluding national legislation which, with certain exceptions, and without taking account of the specific circumstances, imposes a general prohibition of combined offers made by a vendor to a consumer.

(¹) OJ C 69, 21.3.2009.

**Judgment of the Court (Second Chamber) of 4 March 2010
(reference for a preliminary ruling from the Raad van State
— Netherlands) — Rhimou Chakroun v Minister van
Buitenlandse Zaken**

(Case C-578/08) (¹)

*(Right to family reunification — Directive 2003/86/EC —
Concept of 'recourse to the social assistance system' —
Concept of 'family reunification' — Family formation)*

(2010/C 113/17)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicant: Rhimou Chakroun

Defendant: Minister van Buitenlandse Zaken

Re:

Reference for a preliminary ruling — Raad van State — Interpretation of Articles 2(d) and 7(1)(c) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12) — Concepts of 'recourse to the social assistance system' and of 'family reunification'.

Operative part of the judgment

1. The phrase 'recourse to the social assistance system' in Article 7(1)(c) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification must be interpreted as precluding a Member State from adopting rules in respect of family reunification which result in such reunification being refused

to a sponsor who has proved that he has stable and regular resources which are sufficient to maintain himself and the members of his family, but who, given the level of his resources, will nevertheless be entitled to claim special assistance in order to meet exceptional, individually determined, essential living costs, tax refunds granted by local authorities on the basis of his income, or income-support measures in the context of local-authority minimum-income policies ('minimabeleid')

2. Directive 2003/86, in particular Article 2(d) thereof, must be interpreted as precluding national legislation which, in applying the income requirement set out in Article 7(1)(c) of Directive 2003/86, draws a distinction according to whether the family relationship arose before or after the sponsor entered the territory of the host Member State.

(¹) OJ C 55, 7.3.2009.

**Judgment of the Court (Fourth Chamber) of 11 March 2010
(reference for a preliminary ruling from the Conseil d'État
— France) — Centre d'exportation du livre français (CELF),
in liquidation, Ministre de la Culture et de la
Communication v Société internationale de diffusion et
d'édition**

(Case C-1/09) (¹)

(State aid — Article 88(3) EC — Unlawful aid declared compatible with the common market — Annulment of the Commission decision — National courts — Application for recovery of unlawfully implemented aid — Proceedings stayed pending the adoption of a new Commission decision — Exceptional circumstances liable to limit the obligation to repay)

(2010/C 113/18)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: Centre d'exportation du livre français (CELF), in liquidation, Ministre de la Culture et de la Communication

Defendant: Société internationale de diffusion et d'édition