

Re:

Appeal brought against the judgment of the General Court (Third Chamber) of 2 March 2010 in Case T-70/05 (*Evropaiki Dynamiki v EMSA*) in so far it dismissed the appellant's application for the annulment of the decision of the European Maritime Safety Agency ('EMSA') of 6 January 2005 rejecting the tender submitted by the appellant in a tendering procedure relating to the validation of the SafeSeaNet application and its further development

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders *Evropaiki Dynamiki* — *Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE* to pay the costs.

(¹) OJ C 221, 14.8.2010.

Judgment of the Court (First Chamber) of 7 July 2011 (reference for a preliminary ruling from the Tribunalul Gorj (Romania)) — Iulian Andrei Nisipeanu v Direcția Generală a Finanțelor Publice Gorj, Administrația Finanțelor Publice Targu-Cărbunești, Administrația Fondului pentru Mediu

(Case C-263/10) (¹)

(Internal taxation — Article 110 TFEU — Pollution tax levied on first registration of motor vehicles)

(2011/C 269/25)

Language of the case: Romanian

Referring court

Tribunalul Gorj (Romania)

Parties to the main proceedings

Applicant: Iulian Andrei Nisipeanu

Defendants: Direcția Generală a Finanțelor Publice Gorj, Administrația Finanțelor Publice Targu-Cărbunești, Administrația Fondului pentru Mediu

Re:

Reference for a preliminary ruling — Tribunalul Gorj — Registration of second-hand vehicles previously registered in other Member States — Pollution tax on motor vehicles upon first registration in a Member State — Classification of the criterion of 'date of first registration' — Whether the national legislation is compatible with Article 110 TFEU — Whether exemption from payment of the tax, introduced for certain categories of vehicle, is lawful — Possible application of the 'polluter pays' principle

Operative part of the judgment

Article 110 TFEU must be interpreted as precluding a Member State from introducing a pollution tax affecting motor vehicles on their first registration in that Member State, if that fiscal measure is so designed as to discourage the putting into service, in that Member State, of

second-hand vehicles bought in other Member States, without, however, discouraging the purchase of second-hand vehicles of the same age and condition on the national market.

(¹) OJ C 234, 28.8.2010.

Judgment of the Court (Seventh Chamber) of 21 July 2011 (reference for a preliminary ruling from the Tribunal Supremo — Spain) — Telefónica de España SA v Administración del Estado

(Case C-284/10) (¹)

(Directive 97/13/EC — Common framework for general authorisations and individual licences in the field of telecommunications services — Fees and charges applicable to undertakings holding general authorisations — Article 6 — Interpretation — National legislation imposing an annual fee calculated on the basis of a percentage of gross operating income)

(2011/C 269/26)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicant: Telefónica de España SA

Defendant: Administración del Estado

Re:

Reference for a preliminary ruling — Tribunal Supremo — Interpretation of Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services (in particular, Article 6 thereof) (OJ 1997 L 117, p. 15) — Fees and charges applicable to undertakings holding general authorisations — Imposition of financial payments above and beyond those authorised by the directive and for a purpose not provided for therein

Operative part of the judgment

Article 6 of Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services must be interpreted as not precluding legislation of a Member State introducing a fee imposed on holders of general authorisations, calculated annually and on the basis of the gross operating income of the chargeable operators, which seeks to cover the administrative costs relating to the issue, management, control and enforcement of those authorisations, to the extent that the combined revenue received by that Member State by way of such a fee does not exceed all of those administrative costs, which is a matter for the national court to ascertain.

(¹) OJ C 246, 11.9.2010.