

**Parties to the main proceedings**

*Appellant:* Vodafone España, S.A.

**Questions referred**

1. Must Article 13 of Directive 2002/20/EC <sup>(1)</sup> of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) be interpreted as precluding national legislation under which a fee may be required for the right to install facilities on municipal public land from operating undertakings which, without being proprietors of the network, use it to provide mobile telephony services?
2. In the event that the levy is found to be compatible with Article 13 of Directive 2002/20/EC, do the conditions in accordance with which the fee is required under the contested local regulation satisfy the requirements of objectivity, proportionality and non-discrimination laid down in that provision, together with the need to ensure the optimal use of the resources concerned?
3. Is it appropriate to recognise Article 13 of Directive 2002/20/EC as having direct effect?

<sup>(1)</sup> OJ L 108, p. 21

**Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 7 February 2011 — Vodafone España, S.A. v Ayuntamiento de Tudela**

(Case C-57/11)

(2011/C 139/23)

*Language of the case: Spanish*

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Appellant:* Vodafone España, S.A.

*Respondent:* Ayuntamiento de Tudela

**Questions referred**

1. Must Article 13 of Directive 2002/20/EC <sup>(1)</sup> of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) be interpreted as precluding national legislation under which a fee may be required for the right to install facilities on municipal public land from operating undertakings which, without being proprietors of the network, use it to provide mobile telephony services?

2. In the event that the levy is found to be compatible with Article 13 of Directive 2002/20/EC, do the conditions in accordance with which the fee is required under the contested local regulation satisfy the requirements of objectivity, proportionality and non-discrimination laid down in that provision, together with the need to ensure the optimal use of the resources concerned?
3. Is it appropriate to recognise Article 13 of Directive 2002/20/EC as having direct effect?

<sup>(1)</sup> OJ L 108, p. 21

**Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 7 February 2011 — France Telecom España, S.A.**

(Case C-58/11)

(2011/C 139/24)

*Language of the case: Spanish*

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Appellant:* France Telecom España, S.A.

**Questions referred**

1. Must Article 13 of Directive 2002/20/EC <sup>(1)</sup> of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) be interpreted as precluding national legislation under which a fee may be required for the right to install facilities on municipal public land from operating undertakings which, without being proprietors of the network, use it to provide mobile telephony services?
2. In the event that the levy is found to be compatible with Article 13 of Directive 2002/20/EC, do the conditions in accordance with which the fee is required under the contested local regulation satisfy the requirements of objectivity, proportionality and non-discrimination laid down in that provision, together with the need to ensure the optimal use of the resources concerned?
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