



Reports of Cases

Case C-71/12

Vodafone Malta Ltd. and Mobisile Communications Ltd.
v
Avukat Ġenerali and Others

(Request for a preliminary ruling from the Qorti Kostituzzjonali)

(Electronic communications networks and services — Directive 2002/20/EC — Articles 12 and 13 — Administrative charges and fees for rights of use — Charge applicable to mobile telephony operators — National legislation — Method of calculating the charge — Percentage of the costs paid by users)

Summary — Judgment of the Court (Third Chamber), 27 June 2013

Approximation of laws — Telecommunications sector — Electronic communications networks and services — Authorisation — Directive 2002/20 — ‘Excise’ duty applicable to operators offering mobile telephony services — The amount of the duty based on a percentage of the charges paid by user of the services — Lawfulness — Conditions — Verification by the national court

(European Parliament and Council Directive 2002/20, Art. 12)

Article 12 of Directive 2002/20 on the authorisation of electronic communications networks and services (Authorisation Directive) must be interpreted as not precluding the legislation of a Member State, such as the legislation at issue in the main proceedings, under which operators providing mobile telephony services are liable to pay ‘excise’ duty, calculated as a percentage of the charges paid to them by the users of those services, provided the trigger for that duty is not linked to the general authorisation procedure for access to the electronic communications services market but to the use of mobile telephony services provided by the operators and the duty is ultimately borne by the user of those services, which is a matter for the national court to verify.

(see para. 29, operative part)