

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (First Chamber) of 10 November 2016 — DTS Distribuidora de Televisión Digital SA v European Commission, Telefónica de España SA, Telefónica Móviles España SA, Kingdom of Spain, Corporación de Radio y Televisión Española SA (RTVE)**

(Case C-449/14 P) <sup>(1)</sup>

*(Appeal — State aid — State aid scheme in favour of the national public broadcast organisation — Public service obligations — Set-off — Article 106(2) TFEU — Decision declaring the aid scheme compatible with the internal market — Alteration of the method of financing — Tax measures — Tax imposed on pay-television operators — Decision declaring the amended aid scheme compatible with the internal market — Taking into account of the method of financing — Existence of hypothecation between the tax and the aid scheme — Direct impact of the revenue from the tax on the amount of the aid — Coverage of the net costs of fulfilling the public service mandate — Competitive relationship between the person liable to pay the tax and the beneficiary of the aid — Distortion of national law)*

(2017/C 014/02)

Language of the case: Spanish

**Parties**

**Appellant:** DTS Distribuidora de Televisión Digital SA (represented by: H. Brokelmann and M. Ganino, abogados)

**Other parties to the proceedings:** European Commission (represented by: C. Urraca Caviedes, B. Stromsky and G. Valero Jordana, acting as Agents), Telefónica de España SA, Telefónica Móviles España SA (represented by: F. González Díaz, F. Salerno and V. Romero Algarra, abogados), Kingdom of Spain (represented by: A. Sampol Pucurull, acting as Agent), Corporación de Radio y Televisión Española SA (RTVE) (represented by: A. Martínez Sánchez and J. Rodríguez Ordóñez, abogados)

**Operative part of the judgment**

*The Court:*

1. Dismisses the appeal;
2. Orders DTS Distribuidora de Televisión Digital SA to bear its own costs and to pay those incurred by the European Commission in respect of the appeal in the main proceedings;
3. Orders Telefónica de España SA and Telefónica Móviles España SA to bear their own costs and to pay those incurred by the European Commission in respect of the cross-appeal;
4. Orders Corporación de Radio y Televisión Española SA (RTVE) and the Kingdom of Spain to bear their own costs.

<sup>(1)</sup> OJ C 395, 10.11.2014.