

Parties to the main proceedings

Applicant: Adiamix

Defendant: Direction départementale des finances publiques de l'Orne

Operative part of the order

Consideration of the question referred has not shown any factor such as to affect the validity of Commission Decision 2004/343/EC of 16 December 2003 on the aid scheme implemented by France for the takeover of firms in difficulty.

⁽¹⁾ OJ C 202, 30.6.2014.

Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 13 November 2014 — Český telekomunikační úřad v T-Mobile Czech Republic a.s. and Vodafone Czech Republic a.s.

(Case C-508/14)

(2015/C 056/05)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Appellant: Český telekomunikační úřad

Respondents: T-Mobile Czech Republic a.s., Vodafone Czech Republic a.s.

Other parties to the proceedings: O2 Czech Republic a.s. (known as Telefónica Czech Republic, a.s. until 20 June 2014), UPC Česká republika, s.r.o.

Questions referred

- 1) Must Articles 12 and 13 of Directive 2002/22/EC of the European Parliament and of the Council ⁽¹⁾ of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services ('the Directive') be interpreted as meaning that the concept laid down there of the 'net cost' of providing that service precludes a 'reasonable profit' of the provider from being included in the amount of the ascertained net cost of that service?
- 2) If the answer to Question 1 is in the affirmative, do those provisions of the Directive (Articles 12 and 13) have direct effect?
- 3) If Articles 12 and 13 of the Directive have direct effect, may that effect be relied on against a commercial company in which a Member State holds (controls) 51 % of the shares — in this case, O2 Czech Republic a.s. (is it a 'State entity') or not?
- 4) If the answers to Questions 1 to 3 are in the affirmative, may the Directive be applied also to relations which came into being in the period before the accession of the Czech Republic to the European Union (from 1 January to 30 April 2004)?

⁽¹⁾ OJ 2002 L 108, p. 51.