

5. Is Article 56 of the Treaty on the Functioning of the European Union to be interpreted as precluding Member States from imposing a mandatory obligation on economic operators, such as the applicant, to rebroadcast a television channel over electronic communications networks free of charge where the broadcaster for whose benefit that obligation is laid down is fully capable of broadcasting those television channels itself over the same network with its own funds?
6. Is Article 56 of the Treaty on the Functioning of the European Union to be interpreted as precluding Member States from imposing a mandatory obligation on economic operators, such as the applicant, to rebroadcast a television channel over electronic communications networks free of charge where that obligation would cover only approximately 6 % of all households and those households have the possibility of viewing that television channel by means of the terrestrial broadcasting network or the internet?

⁽¹⁾ OJ 2002 L 108, p. 33.

⁽²⁾ OJ 2002 L 108, p. 51.

⁽³⁾ OJ 2009 L 337, p. 11.

Appeal brought on 6 February 2019 by the European External Action Service against the judgment of the General Court (First Chamber) delivered on 27 November 2018 in Case T-315/17, Hebberecht v EEAS

(Case C-93/19P)

(2019/C 155/33)

Language of the case: French

Parties

Appellant: European External Action Service (represented by: S. Marquardt and R. Spac, Agents)

Other party to the proceedings: Chantal Hebberecht

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 27 November 2018 in Case T-315/17;
- dismiss the action at first instance as unfounded;
- order the other party to pay the costs.

Pleas in law and main arguments

According to the EEAS, the General Court erred in law in basing its judgment on an infringement of Article 1d(2) of the Staff Regulations of Officials and in considering that that provision contains a principle directly applicable to individual decisions adopted by the institution pursuant to those regulations (paragraphs 93 and 94 of the judgment under appeal).

In addition, even if Article 1d(2) of the Staff Regulations were to impose a directly applicable obligation, that provision could not apply in the present case, given the nature of the decision at issue, which concerned only the applicant in her capacity as Head of Delegation, and which was not suitable for the application of the principle of gender equality.
