

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 17 January 2023 — Kingdom of Spain v European Commission

(Case C-632/20 P) ⁽¹⁾

(Appeal — External relations — Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part — Electronic communications — Regulation (EU) 2018/1971 — Body of European Regulators for Electronic Communications (BEREC) — Article 35(2) — Participation of the regulatory authority of Kosovo in that body — Concepts of ‘third country’ and ‘third State’ — Competence of the European Commission)

(2023/C 83/02)

Language of the case: Spanish

Parties

Appellant: Kingdom of Spain (represented initially by: S. Centeno Huerta, and subsequently by A. Gavella Llopis, acting as Agents)

Other party to the proceedings: European Commission (represented by: F. Castillo de la Torre, M. Kellerbauer and T. Ramopoulos, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of 23 September 2020, Spain v Commission (T-370/19, EU:T:2020:440);
2. Annuls the Commission Decision of 18 March 2019 on the participation of the National Regulatory Authority of Kosovo in the Body of European Regulators for Electronic Communications;
3. Orders that the effects of the Commission Decision of 18 March 2019 on the participation of the National Regulatory Authority of Kosovo in the Body of European Regulators for Electronic Communications be maintained until the entry into force, within a reasonable period, which may not exceed six months from the date of delivery of the present judgment, of any new working arrangements concluded pursuant to Article 35(2) of Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009, between the Body of European Regulators for Electronic Communications (BEREC), the Agency for Support for BEREC (BEREC Office) and the national regulatory authority of Kosovo;
4. Orders the European Commission to bear its own costs and to pay those incurred by the Kingdom of Spain in the present appeal and in the proceedings before the General Court of the European Union.

⁽¹⁾ OJ C 62, 22.2.2021.