

# GENERAL COURT

## Judgment of the General Court of 5 November 2014 — Vtesse Networks v Commission

(Case T-362/10) <sup>(1)</sup>

*(State aid — Aid to support the deployment of next generation broadband networks in the Cornwall and Isles of Scilly region — Decision declaring the aid compatible with the internal market — Article 107(3) (c) TFEU — Action for annulment — No substantial effect on the competitive position — Locus standi — Procedural rights of the interested parties — Partial inadmissibility — No doubts which justify initiating the formal investigation procedure)*

(2014/C 448/20)

Language of the case: English

### Parties

*Applicant:* Vtesse Networks Ltd (Hertford, United Kingdom) (represented by: H. Mercer QC)

*Defendant:* European Commission (represented by: B. Stromsky and L. Armati, Agents)

*Interveners in support of the defendant:* Republic of Poland (represented: initially by M. Szpunar and B. Majczyna, and subsequently by B. Majczyna, Agents); United Kingdom of Great Britain and Northern Ireland (represented: initially by S. Behzadi-Spencer and L. Seeboruth, and subsequently by L. Seeboruth, J. Beeko and L. Christie, Agents, and initially by K. Bacon, and subsequently by S. Lee, Barristers); and British Telecommunications plc (London, United Kingdom) (represented: initially by M. Nissen and J. Gutiérrez Gisbert, then by M. Nissen and G. van de Walle de Ghelcke and lastly by G. van de Walle de Ghelcke, J. Rivas Andrés, lawyers, and J. Holmes, Barrister)

### Re:

Application for the annulment of Commission Decision C(2010) 3204 of 12 May 2010 declaring the aid measure ‘Cornwall & Isles of Scilly Next Generation Broadband’, providing aid from the European Regional Development Fund to support the deployment of next generation broadband networks in the Cornwall and Isles of Scilly region, compatible with Article 107(3)(c) TFEU (State Aid No 461/2009 — United Kingdom).

### Operative part of the judgment

*The Court:*

- 1) Dismisses the action;
- 2) Orders Vtesse Networks Ltd to bear its own costs and to pay those of the European Commission and British Telecommunications plc;
- 3) Orders the Republic of Poland and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

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<sup>(1)</sup> OJ C 288, 23.10.2010.