[GR] Referral to the ECJ for a Preliminary Ruling on Misleading Advertising

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The *Συμβούλιο της Επικρατείας* (Council of State), the highest administrative court of Greece, made a request for a preliminary ruling to the European Court of Justice (ECJ) in its decision 4229 of 29 December 2009 in relation to whether Article 1 para. (d) of Directive 89/552/EEC of the Council (known as the Television without Frontiers Directive), as it currently stands, requires that the provision of payment or similar consideration is a necessary conceptual element of the notion of intention to present advertising in the context of surreptitious advertising. The question was posed on the occasion of a request for annulment submitted by the television station ALTER against a decision of the *Εθνικό Συμβούλιο Ραδιοτηλεόρασης* (National Council for Radio and Television - ESR) in which a fine amounting to EUR 25,000 was imposed on the aforementioned station for breach of the provisions relating to surreptitious advertising of Article 2 para. (d) of Presidential Decree 100/2000. The case related to the appearance of a well-known dentist on the show "*Αποκλειστικά*" ("Exclusively"), during which the dentist, in numerous shots taken on the premises of her dental practice, claimed that she applies a process of cosmetic dentistry that grants patients a "perfect natural smile".

Συμβούλιο της Επικρατείας, Απόφαση Αριθμ. 4229/2009

Council of the State, Decision No. 4229/2009

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