Court of Justice of the European Union: Télévision française 1 SA (TF1) v Commission

IRIS 2010-9:1/3

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The European Court of Justice has handed down another decision in a long list rejecting of claims by Télévision française 1 (TF1) against the European Commission in relation to French state aid to the public service broadcaster France-Télévisions (see for example most recently IRIS 2010-7: 1/3, IRIS 2009-5: 5/5 and IRIS 2009-1: 0/104). On 13 September 2010, the General Court dismissed TF1's action requesting that Commission Decision C(2006) 832 final of 22 March 2006 be annulled.

The decision approved new financial support measures granted through the Centre national de la cinématographie (National cinematographic centre - CNC) for cinematographic and audiovisual production in France as compatible with the common market, taking the view that the investment obligations did not involve State resources and therefore did not constitute State aid within the meaning of Article 87 EC (see 2006-5: 7/8).

The Court noted that, under the fourth paragraph of Article 230 EC, any natural or legal person may institute proceedings against a decision addressed to that person or against a decision which, although in the form of a regulation or a decision addressed to another person, is of direct and individual concern to the former. However, an undertaking cannot rely solely on its status as a competitor of the undertaking which benefits from the measure in question; it must also demonstrate the magnitude of the prejudice to its market position. The General Court found that TF1 had not specifically and precisely demonstrated that it was individually concerned by the Commission's decision; it had not shown that its competitive position is substantially affected vis-à-vis its competitors, other television service providers or large audiovisual communications groups in regard to the disputed support measures of the CNC, as claimed, while it is not the task of the General Court to speculate as to the reasoning and precise observations, both in fact and law, which might lie behind the claims in the application. The Court thus rejected TF1's action as inadmissible and did not proceed to rule on the merits of the question of whether the measures are to be considered State aid.

Case T-193/06, Télévision française 1 SA (TF1) v Commission, 13 September 2010

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bin/gettext.pl?where=&lang=en&num=79899086T19060193&doc=T&ouvert=T&seance=ARRET

Commission Decision C(2006) 832 final of 22 March 2006 relating to support measures for the cinema and audiovisual industry in France

http://ec.europa.eu/competition/state_aid/register/ii/doc/NN-84-2004-WLWL-fr-22.03.2006.pdf

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