

3. Orders TV2/Danmark A/S to bear its own costs and to pay all the costs incurred by the European Commission and Viasat Broadcasting UK Ltd both at first instance and in relation to this appeal;
4. Orders the Kingdom of Denmark and the EFTA Surveillance Authority to bear their own costs.

⁽¹⁾ OJ C 48, 8.2.2016.

Judgment of the Court (First Chamber) of 9 November 2017 — Viasat Broadcasting UK Ltd v TV2/Danmark A/S

(Case C-657/15 P) ⁽¹⁾

(Appeal — State aid — Article 107(1) TFEU — Public broadcasting service — Measures implemented by the Danish authorities in favour of the Danish broadcaster TV2/Danmark — Concept of ‘aid granted by a Member State or through State resources’ — Judgment in Altmark)

(2018/C 005/06)

Language of the case: Danish

Parties

Appellant: Viasat Broadcasting UK Ltd (represented by: M. Honoré and S. Kalsmose-Hjelmberg, advokater)

Other parties to the proceedings: TV2/Danmark A/S (represented by: O. Koktvedgaard, advokat), European Commission (represented by: B. Stromsky, T. Maxian Rusche and L. Grønfeldt, Agents), Kingdom of Denmark (represented by: C. Thorning, Agent, and by R. Holdgaard, advokat)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 24 September 2015, TV2/Danmark v Commission (T-674/11, EU:T:2015:684), to the extent that it annulled Commission Decision 2011/839/EU of 20 April 2011 on the measures implemented by Denmark (C 2/03) for TV2/Danmark in that the European Commission held that the advertising revenue for the years 1995 and 1996 paid to TV2/Danmark through the TV2 Fund constituted State aid;
2. Dismisses the appeal for the remainder;
3. Dismisses the action brought by TV2/Danmark A/S seeking the annulment of Decision 2011/839;
4. Orders TV2/Danmark A/S to bear its own costs and to pay one half of the costs incurred by Viasat Broadcasting UK Ltd in relation to this appeal as well as all the costs incurred by the latter at first instance;
5. Orders Viasat Broadcasting UK Ltd to bear one half of its own costs in relation to this appeal;
6. Orders the European Commission and the Kingdom of Denmark to bear their own costs.

⁽¹⁾ OJ C 222, 20.6.2016.