

**Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 1 July 2014 —  
Sanoma Media Finland Oy/Nelonen Media, Helsinki**

**(Case C-314/14)**

(2014/C 292/25)

*Language of the case: Finnish*

**Referring court**

Korkein hallinto-oikeus

**Parties to the main proceedings**

*Applicant:* Sanoma Media Finland Oy/Nelonen Media, Helsinki

*Other party:* Viestintävirasto

**Questions referred**

1. In circumstances such as those at issue in the main proceedings, is Article 19(1) of Directive 2010/13/EU <sup>(1)</sup> to be interpreted as precluding an interpretation of national legal provisions to the effect that screen splitting is not regarded as a break bumper that keeps the audiovisual programme distinct from television advertising, where one part of the screen is reserved for the programme's closing credits and the other part to a schedule menu presenting the upcoming programmes on a broadcaster's channel and no acoustic or optical device expressly announcing the start of an advertising break is broadcast either in the split screen or thereafter?
2. Taking into account the fact that Directive 2010/13 is in the nature of a minimum standard, in circumstances such as those at issue in the main proceedings, is Article 23(2) of that directive to be interpreted as meaning that it is not compatible with that provision to classify sponsor idents broadcast in connection with programmes other than the sponsored programmes as 'advertising spots' within the meaning of Article 23(1) of the Directive which must be included in the maximum permissible advertising time?
3. Taking into account the fact that Directive 2010/13 is in the nature of a minimum standard, in circumstances such as those at issue in the main proceedings, is the term 'advertising spots' in Article 23(1) of that directive in conjunction with the description of the maximum permissible advertising time ('the proportion ... within a given clock hour shall not exceed 20 %') to be interpreted as meaning that it is not compatible with that provision to count the 'black seconds' between individual advertising spots and at the end of an advertising break as advertising time?

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<sup>(1)</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ 2010 L 95, p. 1).

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**Action brought on 7 July 2014 — European Commission v Republic of Finland**

**(Case C-329/14)**

(2014/C 292/26)

*Language of the case: Finnish*

**Parties**

*Applicant:* European Commission (represented by: P. Hetsch, K. Hermann and I. Koskinen, acting as Agents)

*Defendant:* Republic of Finland

**Form of order sought**

- declare that, the Republic of Finland has failed to fulfil its obligations under Article 28(1) of Directive 2010/31/EU <sup>(1)</sup> of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings, because it has failed to adopt the laws, regulations and administrative measures necessary to transpose Article 2(2) and Article 9(1) into national law or, in any event, to inform the Commission of those measures either as regards mainland Finland and with regard to the Åland Islands it has failed to adopt the laws, regulations and administrative measures necessary to transpose Article 2(2) and Article 9(1) into national law or, in any event, to inform the Commission of those measures;
- order the Republic of Finland, on the basis of Article 260(3) TFEU to pay a fine of EUR 19 178,25 per day from the date of delivery of the judgment of the Court of Justice to be paid to the European Union's own resources account, on the ground that it has failed to fulfil its obligation to indicate the measures by which the directive will be transposed into national law.
- order the Republic of Finland to pay the costs.

**Pleas in law and main arguments**

The period within which to transpose the Directive expired on 9 July 2012.

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<sup>(1)</sup> OJ 2010 L 153, p. 13.

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