

Case Details

Case Details

National ID	9 As 134/2013 - 55
Member State	Czech Republic
Common Name	link
Decision type	Administrative decision in appeal
Decision date	23/01/2014
Court	Supreme Administrative Court
Subject	
Plaintiff	Unicampus, o. s.
Defendant	Council for radio and TV broadcast
Keywords	case law, consumer, consumer rights, consumer rights organisation, legal actions

Directive Articles

Injunctions Directive, [Article 3, \(b\)](#)

Headnote

The subject of protection under the national laws and the Directive 2009/22/EC has to be directly injured through administrative or court decision or inactivity. The plaintiff in this situation was different from the subject fined by the administrative authority. Therefore, the plaintiff is not allowed to use the national laws related to the the protecticon of consumers simultaneously with the Directive 2009/22/EC.

Facts

A court of lower instance rejected in its earlier decision a legal action of the plaintiff against the defendant, because the plaintiff wasn't allowed to be participant of the process. The plaintiff wanted to have the previous decision annulled through his legal action. The decision of the defendant imposed a fine to a different subject to protect consumers. However, the plaintiff stated, that the defendant did not take sufficient action on the field of protection of the consumer.

Legal issue

The plaintiff was not directly injured by the decision of the defendant and so is not allowed to use the legal action according to the Directive 2009/22/EC. The plaintiff should use different kind of legal action, the legal action according to the Directive 2009/22/EC is not acceptable.

Decision

Who is the subject of protection according to the Directive 2009/22/EC?

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Legal Literature

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Result

The appeal in cassation was dismissed.
