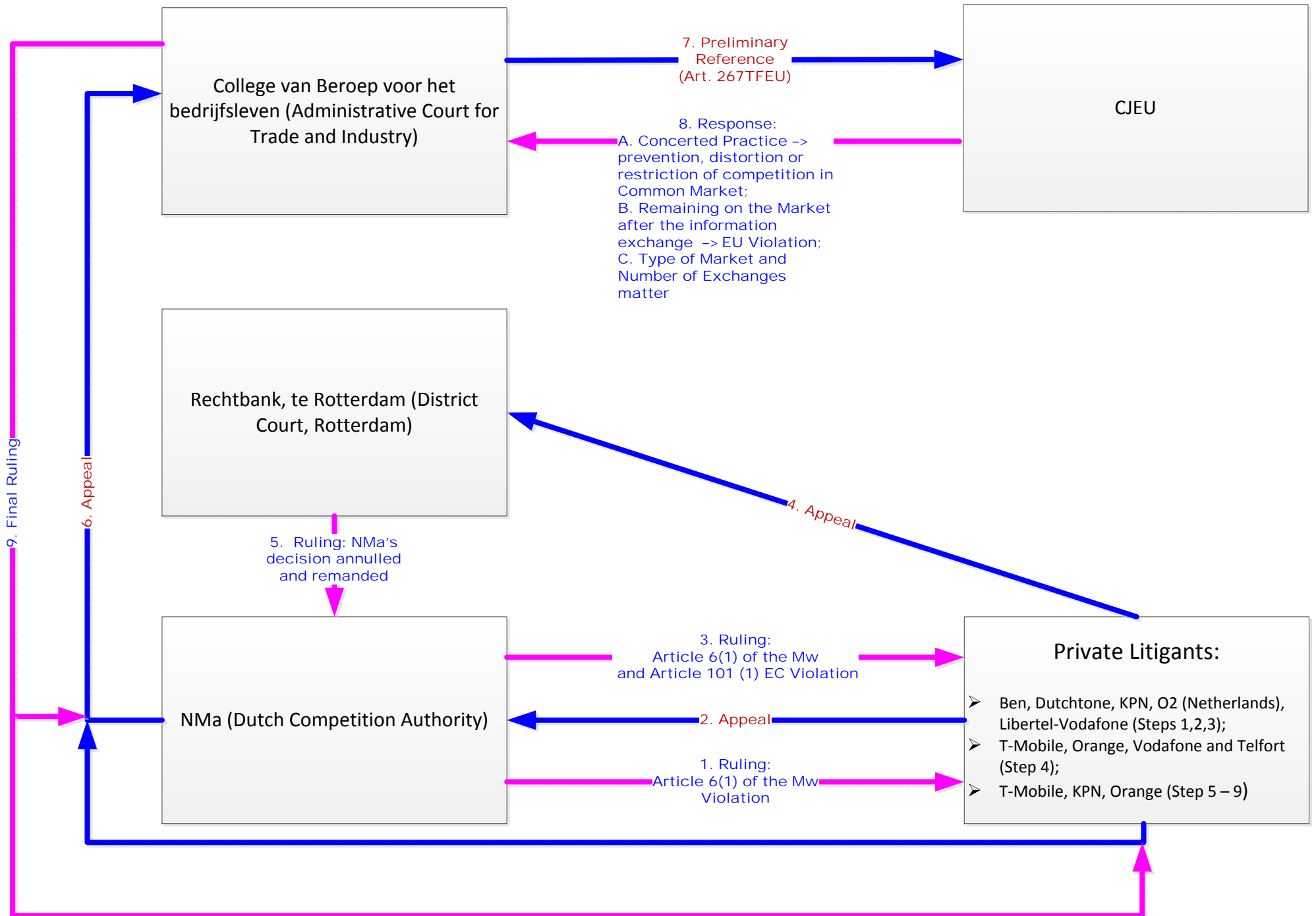


# T-Mobile Case Life Cycle

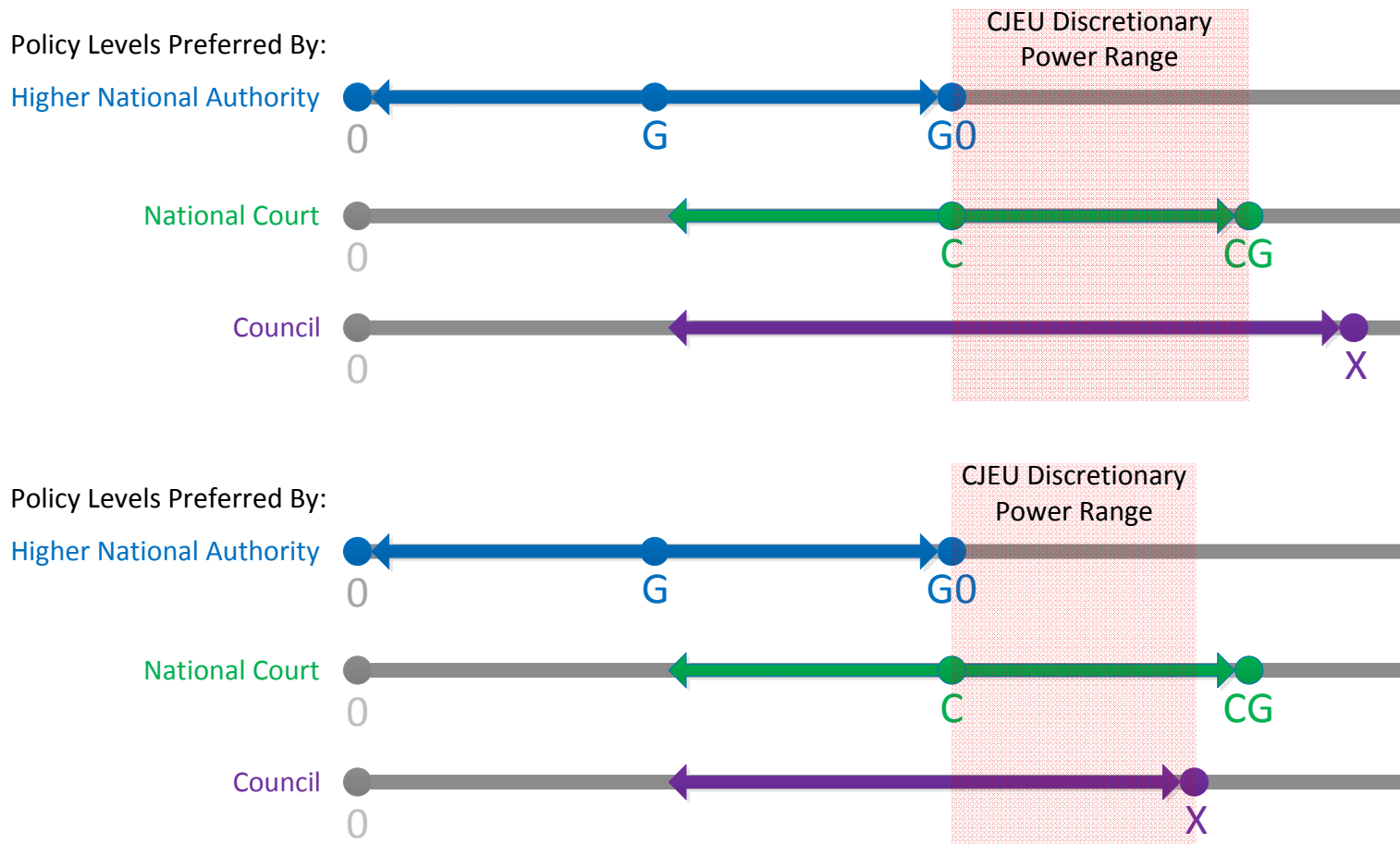


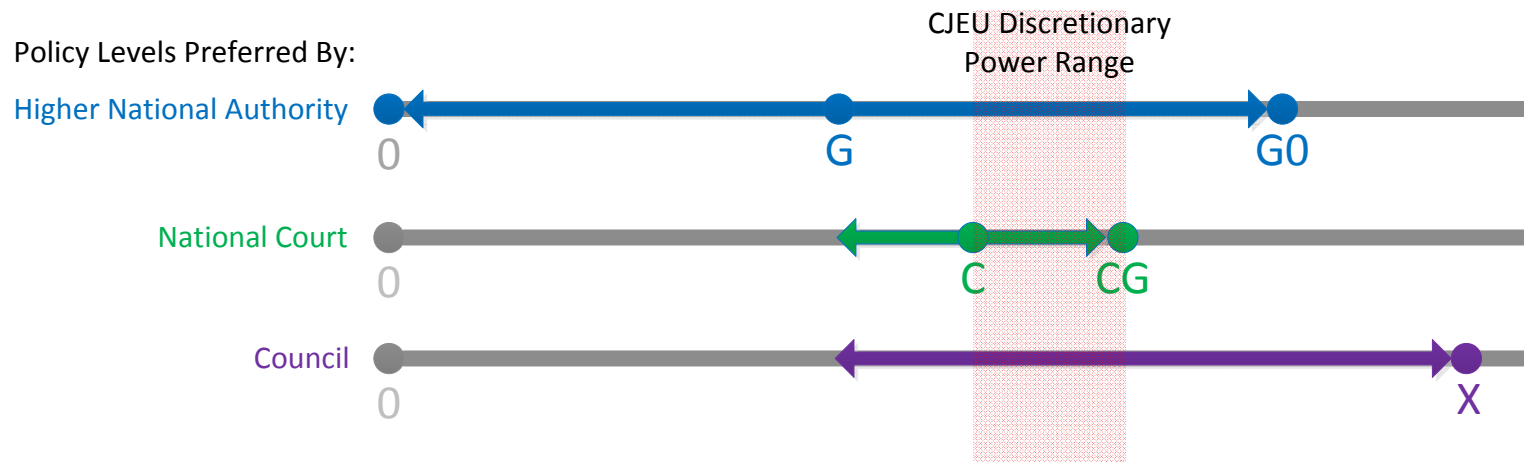
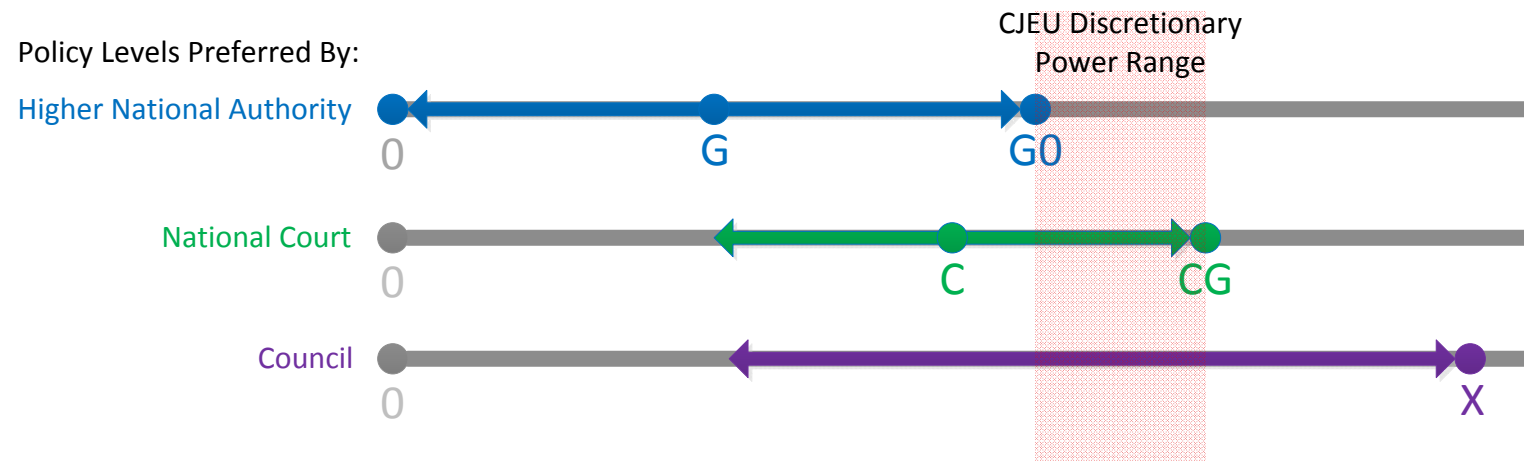
# The T-Mobile Case in The Range of Discretionary Power of the Court of Justice of the European Union (CJEU)

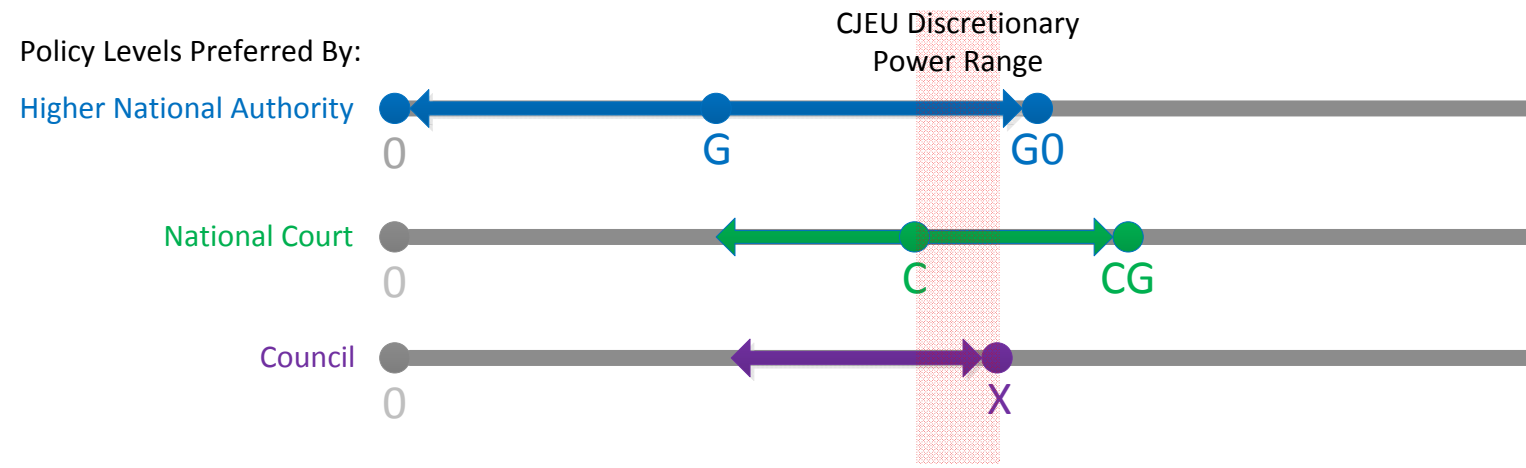
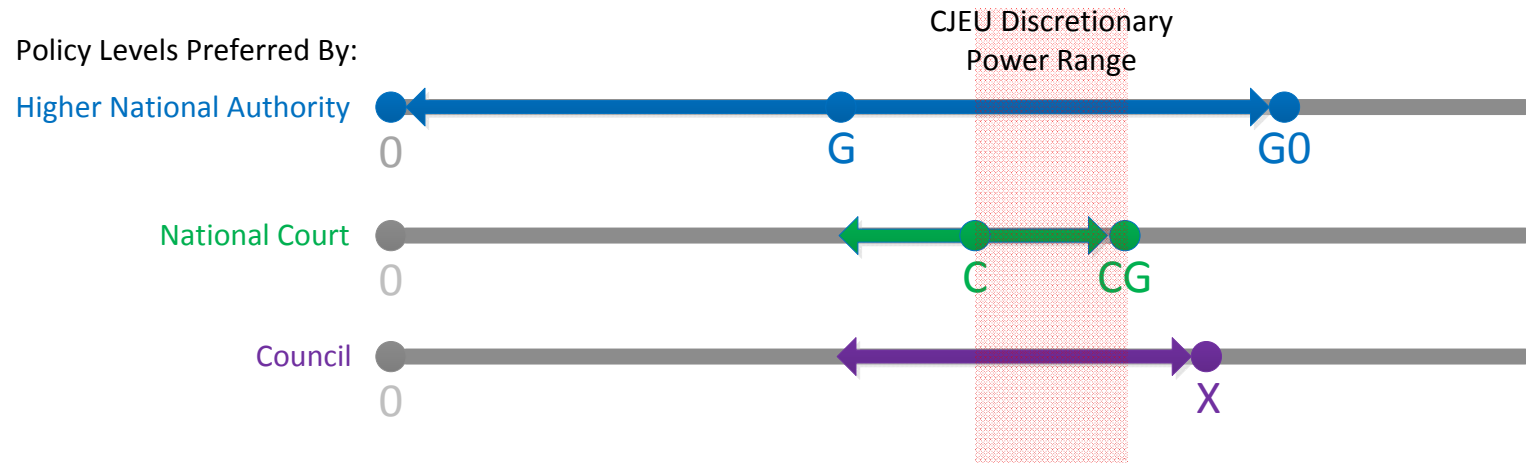
\*Model from "National Courts and the European Court of Justice: A Public Choice Analysis of the Preliminary Reference Procedure" by George Tridimas and Takis Tridimas

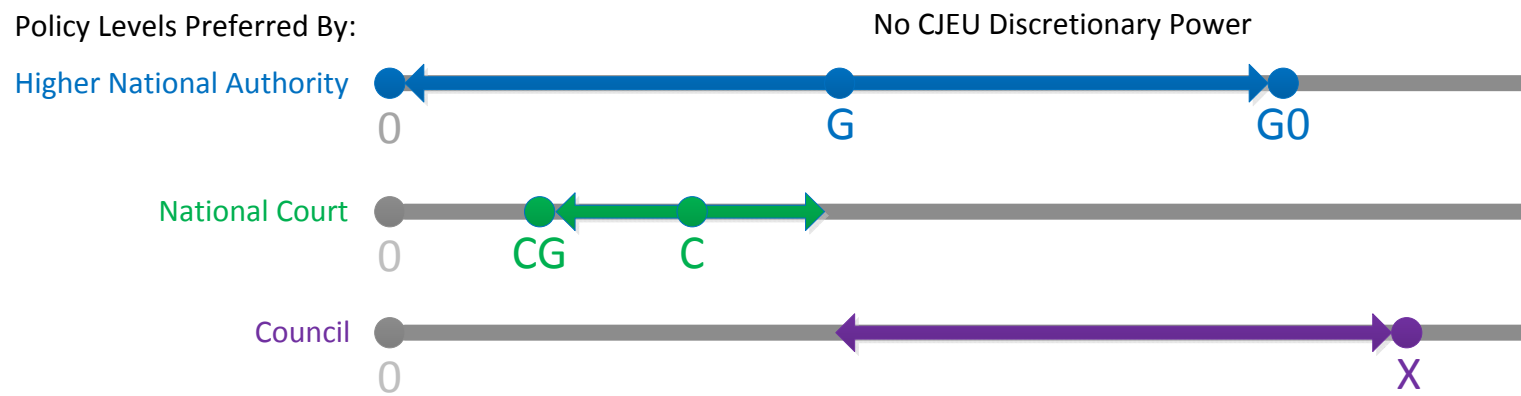
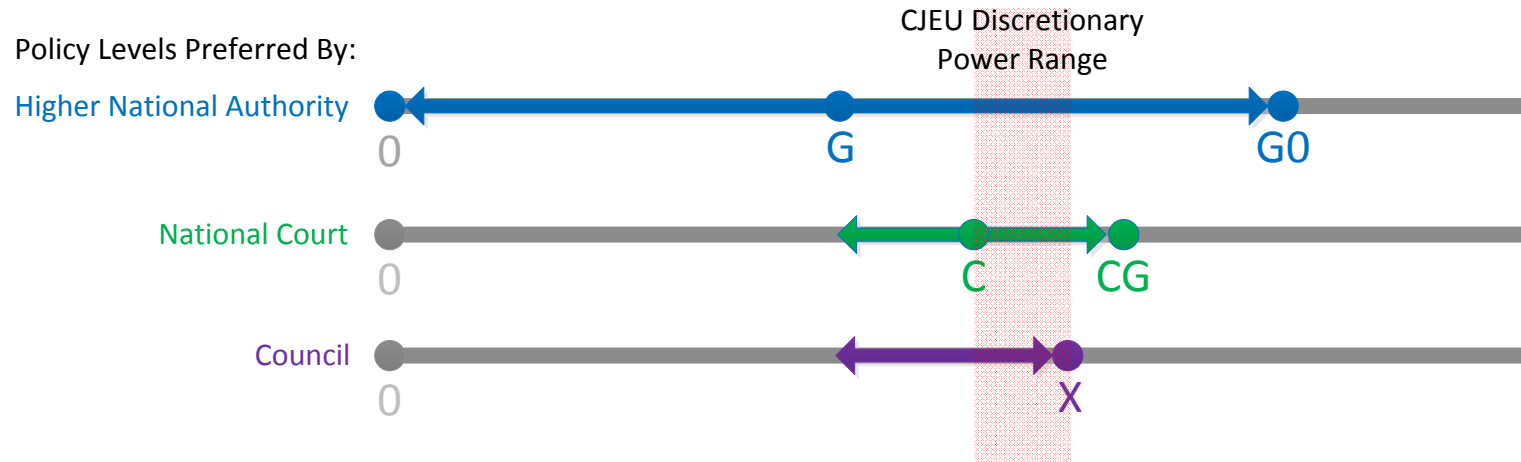
- Policy point ideal for the national court
- Policy point ideal for the higher national authority of the same member state
- Policy point ideal for the member state which is in favor of the largest policy value and whose vote is required to pass EC legislation
- The highest tolerable point for the national court, above which the national court becomes indifferent between G and CG; CG always = CCG
- The highest tolerable point for the higher national authority, above which the authority court becomes indifferent between 0 (no policy at all) and G0; G0 always = GG0

## For preliminary reference

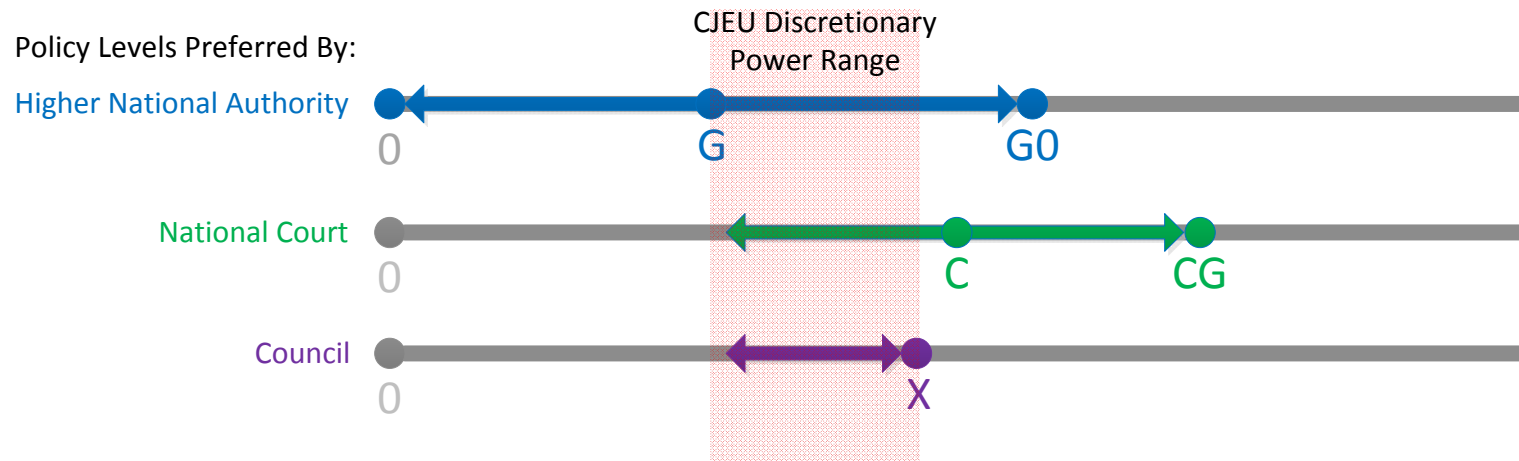








# T-Mobile Case Situation



Here:

1. CJEU needs enough support from the Council; (Here, the decision will fall within the goal of European Competition law is to secure the competitive market structure; the Council's preference (as we know, the decision is supposed was never objected);
2. Although the highest volume of preliminary references comes from Lower National Courts, here it came from Higher National Authority;
3. In this case, the lower national court went with its own ideal policy preference and lost support of the appellants.
5. Therefore, the ideal policy preference of lower national court doesn't match the preference of Higher National Authority;
6. The CJEU's discretion range falls within the favorable policy range of Higher National Authority, still within the Council's policy preference range and away from the Lower National Court's ideal policy preference

# For Action Against EC

*\*The Internationalization of Antitrust Policy,*

*Maher M. Dabbah*

CJEU – Court of Justice of European Union  
GC – General Court  
EC – European Commission

