

Reference for a preliminary ruling from the Landesgericht Salzburg (Austria) lodged on 30 March 2012 — Freistaat Bayern v GREP GmbH

(Case C-156/12)

(2012/C 194/14)

Language of the case: German

Referring court

Landesgericht Salzburg

Parties to the main proceedings

Applicant: Freistaat Bayern

Defendant: GREP GmbH

Third Party: Revisor beim Landesgericht Salzburg

Questions referred

1. Is the first sentence of Article 51(1) of the Charter of Fundamental Rights of the European Union to be interpreted as meaning that proceedings for a declaration of enforceability of judgments given in a Member State pursuant to Article 38 et seq. of Council Regulation No 44/2001 ⁽¹⁾ also fall within the scope of the Charter?
- 2.a) If so, does the principle of effective judicial protection enshrined in Article 47 of the Charter cover a claim for exemption from the payment of court costs, in particular a fixed fee payable on lodging an appeal, and/or fees for the assistance of a lawyer in proceedings of the kind referred to in question 1?
- 2.b) Does this apply also to enforcement proceedings to be conducted in accordance with national law or, at least, to simultaneous appeal proceedings concerning consent to enforcement if the court has given a decision on the application for a declaration of enforceability and consent to enforcement together in one order?
3. Does a right to legal aid in the above sense arise at least in the alternative from Article 43(1) of Regulation No 44/2001 and/or Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms where national law requires a party to be represented before the court by a lawyer for the lodging of the appeal in question?

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L 12, p. 1.

Reference for a preliminary ruling from Employment Tribunal Newcastle upon Tyne (United Kingdom) made on 3 April 2012 — C.D. v S.T.

(Case C-167/12)

(2012/C 194/15)

Language of the case: English

Referring court

Employment Tribunal Newcastle upon Tyne

Parties to the main proceedings

Applicant: C.D.

Defendant: S.T.

Questions referred

In each of the following questions:

- (a) The phrase ‘an intended mother who has a baby through a surrogacy arrangement’ shall refer to circumstances where the intended mother in question is a worker and has not herself, at any material time, been pregnant, or given birth to the child in question.
- (b) The phrase ‘surrogate mother’ shall refer to circumstances where a woman has been pregnant and given birth to a child on behalf of an intended mother.
 1. Do Article 1(1) and/or Article 2(c) and/or Article 8(1) and/or Article 11(2)(b) of the Pregnant Workers Directive 92/85/EEC ⁽¹⁾ provide a right to receive maternity leave to an intended mother who has a baby through a surrogacy arrangement?
 2. Does the Pregnant Workers Directive 92/85/EEC provide a right to receive maternity leave to an intended mother who has a baby through a surrogacy arrangement, in circumstances where she:
 - (a) may breastfeed following birth and/or
 - (b) does breastfeed following birth?
 3. Is it a breach of Article 14, taken with Article 2(l)(a) and/or (b) and/or 2(2)(c) of the Recast Equal Treatment Directive 2006/54/EC ⁽²⁾ for an employer to refuse to provide maternity leave to an intended mother who has a baby through a surrogacy arrangement?