Operative part of the judgment

A trader who directs his advertising at members of the public residing in a given Member State and creates or makes available to them a specific delivery system and payment method, or allows a third party to do so, thereby enabling those members of the public to receive delivery of copies of works protected by copyright in that same Member State, makes, in the Member State where the delivery takes place, a 'distribution to the public' under Article 4(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.

Articles 34 TFEU and 36 TFEU must be interpreted as meaning that they do not preclude a Member State from bringing a prosecution under national criminal law for the offence of aiding and abetting the prohibited distribution of copyright-protected works where such works are distributed to the public on the territory of that Member State in the context of a sale, aimed specifically at the public of that State, concluded in another Member State where those works are not protected by copyright or the protection conferred on them is not enforceable as against third parties.

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(1) OJ C 103, 2.4.2011.

Judgment of the Court (Fourth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Leopold Sommer v Landesgeschäftsstelle des Arbeitsmarktservice Wien

(Case C-15/11) (1)

(Accession of new Member States — Republic of Bulgaria — Member State legislation making the grant of a work permit to Bulgarian nationals subject to an examination of the situation of the labour market — Directive 2004/114/EC — Conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service)

(2012/C 250/06)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Leopold Sommer

Defendant: Landesgeschäftsstelle des Arbeitsmarktservice Wien

Re:

Reference for a preliminary ruling — Verwaltungsgerichtshof — Interpretation of Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ 2004 L 375, p. 12), particularly of Article 17 thereof, and of paragraph 14 of Annex VI of the list referred to in Article 20 of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union (OJ 2005 L 157, p. 104) — Rules of a Member State which make the grant of a work permit to Bulgarian nationals subject to an examination of the situation of the labour market — Possible application of Directive 2004/114/EC

Operative part of the judgment

1. *Paragraph 14 of Point 1 of Annex VI to the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union must be interpreted to mean that the conditions of access to the labour market by Bulgarian students, at the time of the events in the main proceedings, may not be more restrictive than those set out in Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.*

2. *National legislation such as that at issue in the main proceedings provides for a more restrictive treatment of Bulgarian nationals than that given to third-country nationals under Directive 2004/114.*

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(1) OJ C 113, 9.4.2011.

Judgment of the Court (Fifth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Tribunal Supremo — Spain) — Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Federación de Asociaciones Sindicales (FASGA), Federación de Trabajadores Independientes de Comercio (Fetico), Federación Estatal de Trabajadores de Comercio, Hostelería, Turismo y Juego de UGT, Federación del Comercio, Hostelería y Turismo de CC.OO.

(Case C-78/11) (1)

(Directive 2003/88/EC — Organisation of working time — Entitlement to paid annual leave — Sick leave — Annual leave coinciding with sick leave — Entitlement to take paid annual leave at another time)

(2012/C 250/07)

Language of the case: Spanish

Referring court

Tribunal Supremo