

Judgment of the Court (Third Chamber) of 24 November 2010 — European Commission v Council of the European Union

(Case C-40/10) ⁽¹⁾

(Actions for annulment — Regulation (EU, Euratom) No 1296/2009 — Annual adjustment of the remuneration and pensions of officials and other servants of the European Union — Method of adjustment — Article 65 of the Staff Regulations — Articles 1 and 3 to 7 of Annex XI to the Staff Regulations — Exception clause — Article 10 of Annex XI to the Staff Regulations — Council's discretion — Adjustment differing from that proposed by the Commission — Review clause allowing for intermediate adjustment of remunerations)

(2011/C 30/15)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Currall, G. Berscheid and J.-P. Keppenne, Agents)

Defendant: Council of the European Union (represented by: M. Bauer and D. Waelbroeck, Agents)

Intervener in support of the applicant: European Parliament (represented by: S. Seyr and A. Neergaard, Agents)

Intervener in support of the defendant: Kingdom of Denmark (represented by: B. Weis Fogh, Agent), Federal Republic of Germany (represented by: J. Möller and B. Klein, Agents), Hellenic Republic (represented by: A. Samoni-Rantou and S. Chala, Agents), Republic of Lithuania (represented by: D. Kriaučiūnas and R. Krasuckaitė, Agents), Republic of Austria (represented by: E. Riedl, Agent), Republic of Poland (represented by: M. Szpunar, Agent), United Kingdom of Great Britain and Northern Ireland (represented by: S. Behzadi-Spencer and L. Seeboruth, Agents)

Re:

Action for annulment — Council Regulation (EU, Euratom) No 1296/2009 of 23 December 2009 adjusting with effect from 1 July 2009 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto (OJ 2009 L 348, p. 10) — Failure to respect the method for the adjustment of salaries and pensions for a reference period — Breach of Article 65 of the Staff Regulations of officials and of Articles 1 and 3 to 7 of Annex XI thereto — Discretion of the Council — Protection of legitimate expectations and the 'patere legem quam ipse fecisti' principle — Review clause allowing the intermediate adjustment of remuneration

Operative part of the judgment

The Court:

1. Annuls Articles 2 and 4 to 18 of Council Regulation (EU, Euratom) No 1296/2009 adjusting with effect from 1 July 2009 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto;
2. Maintains the effects of Articles 2 and 4 to 17 of Regulation No 1296/2009 until the entry into force of a new regulation adopted by the Council of the European Union in order to ensure compliance with this judgment;
3. Orders the Council of the European Union to pay the costs;
4. Orders the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Republic of Lithuania, the Republic of Austria, the Republic of Poland, the United Kingdom of Great Britain and Northern Ireland and the European Parliament to bear their own costs.

⁽¹⁾ OJ C 51, 27.2.2010.

Order of the Court (Seventh Chamber) of 6 October 2010 (reference for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo No 2 de Granada-Spain) — Carlos Sáez Snchez, Patricia Rueda Vargas v Junta de Andalucía, Manuel Jalón Morente and Others

(Case C-563/08) ⁽¹⁾

(First subparagraph of Article 104(3) of the Rules of Procedure — Article 49 TFEU — Freedom of establishment — Public health — Pharmacies — Proximity — Provision of medicinal products to the public — Operating licence — Territorial distribution of pharmacies — Establishment of limits based on population density — Minimum distance between pharmacies keywords)

(2011/C 30/16)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo No 2 de Granada-Spain

Parties to the main proceedings

Applicants: Carlos Sáez Sánchez, Patricia Rueda Vargas

Defendants: Junta de Andalucía, Manuel Jalón Morente and Others