

such a refusal does not entail, for the Union citizen concerned, the denial of the genuine enjoyment of the substance of the rights conferred by the status of citizen of the Union, that being for the referring court to ascertain.

Applications for residence permits on the basis of family reunification such as those at issue in the main proceedings are covered by Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. Article 7(1)(c) of that directive must be interpreted as meaning that, while Member States have the faculty of requiring proof that the sponsor has stable and regular resources which are sufficient to maintain himself and the members of his family, that faculty must be exercised in the light of Articles 7 and 24(2) and (3) of the Charter of Fundamental Rights of the European Union, which require the Member States to examine applications for family reunification in the interests of the children concerned and also with a view to promoting family life, and avoiding any undermining of the objective and the effectiveness of that directive. It is for the referring court to ascertain whether the decisions refusing residence permits at issue in the main proceedings were taken in compliance with those requirements.

⁽¹⁾ OJ C 269, 10.9.2011.

Judgment of the Court (Eighth Chamber) of 22 November 2012 (reference for a preliminary ruling from the Juzgado de lo Social de Barcelona — Spain) — Isabel Elbal Moreno v Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS)

(Case C-385/11) ⁽¹⁾

(Article 157 TFEU — Directive 79/7/EEC — Directive 97/81/EC — Framework Agreement on part-time work — Directive 2006/54/EC — Contributory retirement pension — Equal treatment for male and female workers — Indirect discrimination on grounds of sex)

(2013/C 26/20)

Language of the case: Spanish

Referring court

Juzgado de lo Social de Barcelona

Parties to the main proceedings

Applicant: Isabel Elbal Moreno

Defendants: Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS)

Re:

Reference for a preliminary ruling — Juzgado de lo Social de Barcelona — Interpretation of Clause 4(1), of the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, Annex to Council Directive 97/81/EC of 15

December 1997 (OJ 1998 L 14, p. 9), of Article 4 of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ 1979 L 6, p. 24) and of Article 4 of Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ 2006 L 204, p. 23) — Concept of employment condition — Contributory retirement pension calculated on the basis of the Spanish statutory rules and contributions paid by and on behalf of the employee — Discrimination against part-time workers

Operative part of the judgment

Article 4 of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security must be interpreted as precluding, in circumstances such as those at issue in the main proceedings, legislation of a Member State which requires a proportionally greater contribution period from part-time workers, the vast majority of whom are women, than from full-time workers for the former to qualify, if appropriate, for a contributory retirement pension in an amount reduced in proportion to the part-time nature of their work.

⁽¹⁾ OJ C 290, 1.10.2011.

Judgment of the Court (Third Chamber) of 22 November 2012 (reference for a preliminary ruling from the Audiencia Provincial de Barcelona — Spain) — Pedro Espada Sánchez, Alejandra Oviedo González, Lucía Espada Oviedo, Pedro Espada Oviedo v Iberia Líneas Aéreas de España SA

(Case C-410/11) ⁽¹⁾

(Air transport — Montreal Convention — Article 22(2) — Liability of carriers in respect of baggage — Limits of liability in the event of the destruction, loss, damage or delay of baggage — Shared baggage belonging to a number of passengers — Baggage checked in by one of those passengers)

(2013/C 26/21)

Language of the case: Spanish

Referring court

Audiencia Provincial de Barcelona

Parties to the main proceedings

Applicants: Pedro Espada Sánchez, Alejandra Oviedo González, Lucía Espada Oviedo, Pedro Espada Oviedo

Defendant: Iberia Líneas Aéreas de España SA