

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt all the laws, regulations and administrative provisions necessary to ensure that the employees of establishments of a company resulting from a cross-border merger which has its registered office in the Netherlands, situated in other Member States enjoy participation rights identical to those enjoyed by the employees employed in the Netherlands, the Kingdom of the Netherlands has failed to fulfil its obligations under point (b) of Article 16(2) of Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies.
2. Orders the Kingdom of the Netherlands to pay the costs.

(¹) OJ C 58, 25.2.2012.

Judgment of the Court (Fourth Chamber) of 6 June 2013
(request for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division) — United Kingdom) — **The Queen, on the application of: MA, BT, DA v Secretary of State for the Home Department**

(Case C-648/11) (¹)

(Regulation (EC) No 343/2003 — Determining the Member State responsible — Unaccompanied minor — Successive applications for asylum lodged in two Member States — Absence of a member of the family of the minor in the territory of a Member State — Second paragraph of Article 6 of Regulation No 343/2003 — Transfer of the minor to the Member State in which he lodged his first application — Compatibility — Child's best interests — Article 24(2) of the Charter)

(2013/C 225/29)

Language of the case: English

Referring court

Court of Appeal (England and Wales) (Civil Division)

Parties to the main proceedings

Applicant: The Queen, on the application of: MA, BT, DA

Defendant: Secretary of State for the Home Department

Intervener: The AIRE Centre (Advice on Individual Rights in Europe) (UK)

Re:

Request for a preliminary ruling — Court of Appeal (England and Wales) (Civil Division) — Interpretation of the second paragraph of Article 6 of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the

Member States by a third-country national (OJ 2003 L 50, p. 1) — Procedure for determining the Member State responsible for examining asylum applications lodged by unaccompanied minors who are third-country nationals

Operative part of the judgment

The second paragraph of Article 6 of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national must be interpreted as meaning that, in circumstances such as those of the main proceedings, where an unaccompanied minor with no member of his family legally present in the territory of a Member State has lodged asylum applications in more than one Member State, the Member State in which that minor is present after having lodged an asylum application there is to be designated the 'Member State responsible'.

(¹) OJ C 65, 3.3.2012.

Judgment of the Court (Ninth Chamber) of 30 May 2013
(request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — **Staatssecretaris van Financiën v X BV**

(Case C-651/11) (¹)

(VAT — Sixth Directive 77/388/EEC — Article 5(8) — Concept of 'transfer of a totality of assets or part thereof' — Disposal of 30 % of the shares in a company to which the transferor supplies services that are subject to VAT)

(2013/C 225/30)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Staatssecretaris van Financiën

Defendant: X BV

Re:

Request for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Articles 5(8) and 6(5) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Taxable transactions — Transfer of a totality of assets and/or of services (or part thereof) — Disposal of 30 % of the shares in a company by a shareholder who, until the date of disposal, supplied services subject to VAT to that company