

Re:

Request for a preliminary ruling — Conseil d'État (France) — Interpretation of Article 87 EC, now Article 107 TFEU — Concept of intervention by the State or through State resources — Obligation to purchase wind-generated electricity at a price higher than the market price — Additional costs offset in full — Change in the method of financing that offsetting — Charges payable by final consumers of electricity.

Operative part of the judgment

Article 107(1) TFEU must be interpreted as meaning that a mechanism for offsetting in full the additional costs imposed on undertakings because of an obligation to purchase wind-generated electricity at a price higher than the market price that is financed by all final consumers of electricity in the national territory, such as that resulting from Law No 2000-108 of 10 February 2000 on the modernisation and development of the public electricity service, as amended by Law No 2006-1537 of 7 December 2006 on the energy sector, constitutes an intervention through State resources.

⁽¹⁾ OJ C 243, 11.8.2012

Judgment of the Court (Fifth Chamber) of 12 December 2013 (request for a preliminary ruling from the Cour de cassation (France)) — Frédéric Hay v Crédit agricole mutuel de Charente-Maritime et des Deux-Sèvres

(Case C-267/12) ⁽¹⁾

(Directive 2000/78/EC — Equal treatment — Collective agreement which restricts a benefit in respect of pay and working conditions to employees who marry — Exclusion of partners entering into a civil solidarity pact — Discrimination based on sexual orientation)

(2014/C 52/18)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Frédéric Hay

Defendant: Crédit agricole mutuel de Charente-Maritime et des Deux-Sèvres

Re:

Reference for a preliminary ruling — Cour de cassation (France) — Interpretation of Article 2(2)(b) of Council Directive No 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16) — Admissibility of a national collective agreement which reserves an advantage in respect of pay and working conditions to employees who marry and excludes from

the benefit of that advantage same-sex partners who have entered into a civil solidarity pact — Discrimination based on sexual orientation — Possibility of justifying indirect discrimination by a legitimate, appropriate and necessary aim.

Operative part of the judgment

Article 2(2)(a) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as precluding a provision in a collective agreement, such as the one at issue in the main proceedings, under which an employee who concludes a civil solidarity pact with a person of the same sex is not allowed to obtain the same benefits, such as days of special leave and a salary bonus, as those granted to employees on the occasion of their marriage, where the national rules of the Member State concerned do not allow persons of the same sex to marry, in so far as, in the light of the objective of and the conditions relating to the grant of those benefits, that employee is in a comparable situation to an employee who marries.

⁽¹⁾ OJ C 250, 18.8.2012.

Judgment of the Court (Grand Chamber) of 19 December 2013 — Telefónica SA v European Commission

(Case C-274/12 P) ⁽¹⁾

(Appeal — Action for annulment — Fourth paragraph of Article 263 TFEU — Right to bring an action — Standing to bring proceedings — Natural or legal persons — Act of individual concern to them — Regulatory act not entailing implementing measures — Decision declaring a State aid scheme incompatible with the common market — Right to effective judicial protection)

(2014/C 52/19)

Language of the case: Spanish

Parties

Appellant: Telefónica SA (represented by: J. Ruiz Calzado and J. Domínguez Pérez, abogados, and M. Núñez Müller, Rechtsanwalt)

Other party to the proceedings: European Commission (represented by: P. Němečková and C. Urraca Caviades, acting as Agents)

Re:

Appeal brought against the order of the General Court (Eighth Chamber) of 21 March 2012 in Case T-228/10 *Telefónica v Commission* by which the General Court dismissed as inadmissible an action for annulment of Article 1(1) of Commission Decision 2011/5/EC of 28 October 2009 on the tax amortisation of financial goodwill for foreign shareholding acquisitions C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (OJ 2011 L 7, p. 48).