

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Fifth Chamber) of 19 March 2015 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — L. Kik v Staatssecretaris van Financiën

(Case C-266/13) ⁽¹⁾

(Reference for a preliminary ruling — Social security — Regulation (EEC) No 1408/71 — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — National of a Member State, in which he resides, employed on a pipe-laying vessel flying the flag of another third State — Person initially employed by an undertaking established in the Netherlands and subsequently by an undertaking established in Switzerland — Work performed, in succession, on the continental shelf adjacent to a third State, in international waters and in the part of the continental shelf adjacent to certain Member States — Scope ratione personae of Regulation No 1408/71 — Determination of the legislation applicable)

(2015/C 155/02)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: L. Kik

Respondent: Staatssecretaris van Financiën

Operative part of the judgment

1. Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Council Regulation (EC) No 307/1999 of 8 February 1999, must be interpreted to the effect that the persons covered by it include an employed person who, like Mr Kik, is a national of a Member State, in which he resides and in which his income is subject to tax, is employed on a pipe-laying vessel flying the flag of a third State and operating in various parts of the world, in particular above the part of the continental shelf adjacent to certain Member States, was previously employed by an undertaking established in his Member State of residence, changes employer and thereafter is employed by an undertaking established in Switzerland, whilst continuing to reside in the same Member State and to sail on the same vessel.

2. The provisions determining the national legislation applicable, which are contained in Title II of Regulation No 1408/71, must be interpreted as meaning that a national of a Member State, or of the Swiss Confederation (a State treated as a Member State for the purposes of applying the regulation), who is employed on board a vessel flying the flag of a third State and carries out his activities outside the territory of the European Union — including above the continental shelf of a Member State — but who is employed by an undertaking established in the Swiss Confederation, is subject to the legislation of the State in which his employer is established. However, in circumstances such as those of the main proceedings, if, pursuant to Regulation No 1408/71, that legislation entails him being insured under a voluntary insurance scheme or not being insured under any social security scheme, that national will be subject to the legislation of his Member State of residence.

⁽¹⁾ OJ C 207, 20.7.2013.

Judgment of the Court (Second Chamber) of 19 March 2015 — Dole Food Company, Inc., Dole Fresh Fruit Europe, formerly Dole Germany OHG v European Commission

(Case C-286/13 P) ⁽¹⁾

(Appeals — Competition — Agreements, decisions and concerted practices — European banana market — Coordination in the setting of quotation prices — Obligation to state reasons — Belated statement of reasons — Belated submission of evidence — Rights of defence — Principle of equality of arms — Principles governing the establishment of the facts — Distortion of the facts — Assessment of the evidence — Market structure — Requirement for the Commission to specify those aspects of the exchange of information which constitute a restriction of competition by object — Burden of proof — Calculation of the fine — Whether sales made by subsidiaries not involved in the infringement are to be taken into account — Sales of the same bananas counted twice)

(2015/C 155/03)

Language of the case: English

Parties

Appellants: Dole Food Company, Inc., Dole Fresh Fruit Europe, formerly Dole Germany OHG (represented by: J.-F. Bellis, lawyer)

Other party to the proceedings: European Commission (represented by: M. Kellerbauer and P. Van Nuffel, acting as Agents)

Operative part of the judgment

The Court:

- 1) Dismisses the appeal;
- 2) Orders Dole Food Company, Inc., and Dole Fresh Fruit Europe, formerly Dole Germany OHG, to bear the costs jointly and severally.

⁽¹⁾ OJ C 252, 31.8.2013.