

Parties to the main proceedings

Applicant: Michael Schwarz

Defendant: Stadt Bochum

Re:

Request for a preliminary ruling — Verwaltungsgericht Gelsenkirchen — Validity of Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 6 May 2009 (OJ 2009 L 142, p. 1), as amended (OJ 2009 L 188, p. 127), in the light of Article 8 of the Charter of Fundamental Rights and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms — Right of a person to be issued with a passport without his fingerprints being taken

Operative part of the judgment

Examination of the question referred has revealed nothing capable of affecting the validity of Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 6 May 2009.

⁽¹⁾ OJ C 273, 8.9.2012.

Judgment of the Court (Eighth Chamber) of 17 October 2013 — European Commission v Italian Republic

(Case C-344/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid — Aid granted by the Italian Republic for the benefit of Alcoa Trasformazioni — Commission Decision 2010/460/EC declaring that aid to be incompatible and ordering its recovery — Failure to implement within the prescribed period)

(2013/C 367/30)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: G. Conte and D. Grespan, acting as Agents)

Defendant: Italian Republic (represented by: G. Palmieri, acting as Agent, and C. Gerardis, avvocato dello Stato)

Re:

Failure of a Member State to fulfil obligations — Failure to have adopted the necessary measures to comply with Articles 2, 3 and 4 of Commission Decision C(2009) 8112 final of 19 November 2009, concerning State aids C 38/A/2004 (ex NN 58/2004) and C 36/B/2006 (ex NN 38/2006), implemented by the Italian Republic for Alcoa Trasformazioni srl, and infringement of Article 288 TFEU

Operative part of the judgment

The Court:

1. Declares that, by not adopting within the prescribed period all the measures necessary to recover from the beneficiary of the State aid declared to be unlawful and incompatible with the common market under Article 1 of Commission Decision 2010/460/EC of 19 November 2009 concerning State aids Nos C 38/A/2004 (ex NN 58/2004) and C 36/B/2006 (ex NN 38/2006) implemented by Italy for Alcoa Trasformazioni, the Italian Republic has failed to fulfil its obligations under Articles 2, 3 and 4 of that decision
2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 287, 22.9.2012

Judgment of the Court (Third Chamber) of 17 October 2013 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — RLvS Verlagsgesellschaft mbH v Stuttgarter Wochenblatt GmbH

(Case C-391/12) ⁽¹⁾

(Directive 2005/29/EC — Unfair commercial practices — Scope ratione personae — Misleading omissions in advertisements — Legislation of a Member State prohibiting any publication for remuneration not identified by the term ‘advertisement’ (‘Anzeige’) — Complete harmonisation — Stricter measures — Freedom of the press)

(2013/C 367/31)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: RLvS Verlagsgesellschaft mbH

Defendant: Stuttgarter Wochenblatt GmbH

Re:

Request for a preliminary ruling — Bundesgerichtshof — Interpretation of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (OJ 2005 L 149, p. 22), and in particular Articles 3(5), 4 and 7(2) thereof and point 11 of Annex I thereto — Misleading omissions in editorial-style advertising — Legislation of a Member State prohibiting a publication for remuneration which does not mention that it is an ‘advertisement’ (‘Anzeige’)