

standing to bring an application for a declaration of a trade mark's invalidity — Law firm — No private economic interest to apply for a declaration of the invalidity of a cosmetics trade mark — Noticeable difference between the association created by the terms suggested for the purpose of a trade mark's registration and the everyday language used by the target public to describe the goods and services at issue or their essential characteristics

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Lancôme parfums et beauté & Cie SNC to pay the costs.

(¹) OJ C 6, 10.1.2009.

Judgment of the Court (Grand Chamber) of 23 February 2010 (reference for a preliminary ruling from the Court of Appeal of England and Wales, United Kingdom) — *Maria Teixeira v London Borough of Lambeth, Secretary of State for the Home Department*

(Case C-480/08) (¹)

(Freedom of movement for persons — Right of residence — National of a Member State who worked in another Member State and remained there after ceasing to work — Child in vocational training in the host Member State — No means of subsistence — Regulation (EEC) No 1612/68 — Article 12 — Directive 2004/38/EC)

(2010/C 100/08)

Language of the case: English

Referring court

Court of Appeal of England and Wales

Parties to the main proceedings

Applicant: Maria Teixeira

Defendants: London Borough of Lambeth, Secretary of State for the Home Department

Re:

Reference for a preliminary ruling — Court of Appeal of England and Wales — Interpretation of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ 2004 L 158, p. 77) and of Article 12 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ, English Special Edition, 1968 (II), p. 475) — Right of residence in the United Kingdom of a Union citizen no longer having the status of a worker and no longer able to establish a right of residence in accordance with the provisions on the freedom of movement of workers — Right for the child of such a citizen to remain in the United Kingdom in order to complete a vocational training course — Right of the mother to remain there as carer with the child

Operative part of the judgment

1. A national of a Member State who was employed in another Member State in which his or her child is in education can, in circumstances such as those of the main proceedings, claim, in the capacity of primary carer for that child, a right of residence in the host Member State on the sole basis of Article 12 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, as amended by Council Regulation (EEC) No 2434/92 of 27 July 1992, without being required to satisfy the conditions laid down in Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.
2. The right of residence in the host Member State of the parent who is the primary carer of a child exercising the right to pursue his or her education in accordance with Article 12 of Regulation No 1612/68 is not conditional on that parent having sufficient resources not to become a burden on the social assistance system of that Member State during the period of residence and having comprehensive sickness insurance cover there.
3. The right of residence in the host Member State of the parent who is the primary carer for a child of a migrant worker, where that child is in education in that State, is not conditional on one of the child's parents having worked as a migrant worker in that Member State on the date on which the child started in education.

4. *The right of residence in the host Member State of the parent who is the primary carer for a child of a migrant worker, where that child is in education in that State, ends when the child reaches the age of majority, unless the child continues to need the presence and care of that parent in order to be able to pursue and complete his or her education.*

(¹) OJ C 32, 7.2.2009.

Judgment of the Court (Second Chamber) of 25 February 2010 (reference for a preliminary ruling from the Bundesverwaltungsgericht, Germany) — Müller Fleisch GmbH v Land Baden-Württemberg

(Case C-562/08) (¹)

(System for monitoring bovine spongiform encephalopathy — Regulation (EC) No 999/2001 — Bovine animals over 30 months of age — Slaughter under normal conditions — Meat intended for human consumption — Mandatory screening test — National rules — Obligation to screen — Extension — Bovine animals over 24 months of age)

(2010/C 100/09)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Müller Fleisch GmbH

Defendant: Land Baden-Württemberg

Re:

Reference for a preliminary ruling — Bundesverwaltungsgericht — Interpretation of Article 6(1) of, in conjunction with Annex III, Chapter A, Part I to, Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ 2001 L 147, p. 1), as amended by Commission Regulation (EC) No 1248/2001 of 22 June 2001 (OJ 2001 L 173, p. 12) —

Requirement to screen for BSE all bovine animals over 30 months of age subject to normal slaughter for human consumption — National legislation extending the obligation to screen to all bovine animals over 24 months of age

Operative part of the judgment

Article 6(1) of Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies and Annex III, Chapter A, Part I to that regulation, as amended by Commission Regulation (EC) No 1248/2001 of 22 June 2001, do not preclude national rules under which all bovine animals over 24 months of age must be screened for bovine spongiform encephalopathy.

(¹) OJ C 69, 21.3.2009.

Judgment of the Court (Fifth Chamber) of 25 February 2010 (reference for a preliminary ruling from the Fővárosi Bíróság (Republic of Hungary)) — Sió-Eckes kft. v Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve

(Case C-25/09) (¹)

(Common agricultural policy — Regulation (EC) No 2201/96 — Common organisation of the markets in processed fruit and vegetable products — Regulation (EC) No 1535/2003 — Aid scheme for products processed from fruit and vegetables — Processed products — Peaches in syrup and/or in natural fruit juice — Finished products)

(2010/C 100/10)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicant: Sió-Eckes kft.

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve