Parties to the main proceedings

Applicants: Mesopotamia Broadcast A/S METV (C-244/10), Roj TV A/S (C-245/10)

Defendant: Bundesrepublik Deutschland

Re:

Reference for a preliminary ruling — Bundesverwaltungsgericht — Interpretation of Article 2a and 22a of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities (OJ 1989 L 298, p. 23), as amended by Directive 97/36/EC of 30 June 1997 (OJ 1997 L 202, p. 60) — Prohibition of an activity, opposed by the authorities of a Member State, of a television broadcaster established in another Member State for infringement of the principles of international understanding — Exclusion from the power of the recipient Member State of the ability to prevent, in its territory, television broadcasts from other Member States for reasons which fall within the fields coordinated by Directive 89/552/EEC — Admissibility of the infringement of the principles of international understanding as a ground for prohibition falling within the fields coordinated by that directive

Operative part of the judgment

Article 22a of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997, must be interpreted as meaning that facts such as those at issue in the disputes in the main proceedings, covered by a rule of national law prohibiting infringement of the principles of international understanding, must be regarded as being included in the concept of 'incitement to hatred on grounds of race, sex, religion or nationality'. That article does not preclude a Member State from adopting measures against a broadcaster established in another Member State, pursuant to a general law such as the Law governing the public law of associations (Gesetz zur Regelung des öffentlichen Vereinsrechts), of 5 August 1964, as amended by Paragraph 6 of the Law of 21 December 2007, on the ground that the activities and objectives of that broadcaster run counter to the prohibition of the infringement of the principles of international understanding, provided that those measures do not prevent retransmission per se on the territory of the receiving Member State of television broadcasts made by that broadcaster from another Member State, this being a matter to be determined by the national court.

(1) OJ C 234, 28.8.2010.

Judgment of the Court (Fourth Chamber) of 22 September 2011 (reference for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas — Republic of Lithuania) — Genovaitė Valčiukienė, Julija Pekelienė, Lietuvos žaliųjų judėjimas, Petras Girinskis, Laurynas Arimantas Lašas v Pakruojo rajono savivaldybė, Šiaulių visuomenės sveikatos centras, Šiaulių regiono aplinkos apsaugos departamentas

(Case C-295/10) (1)

(Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Plans which determine the use of small areas at local level — Article 3(3) — Documents relating to land planning at local level relating to only one subject of economic activity — Assessment under Directive 2001/42/EC precluded in national law — Member States' discretion — Article 3(5) — Link with Directive 85/337/EEC — Article 11(1) and (2) of Directive 2001/42/EC)

(2011/C 331/07)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Applicants: Genovaitė Valčiukienė, Julija Pekelienė, Lietuvos žaliųjų judėjimas, Petras Girinskis, Laurynas Arimantas Lašas

Defendants: Pakruojo rajono savivaldybė, Šiaulių visuomenės sveikatos centras, Šiaulių regiono aplinkos apsaugos departamentas

Intervener: Sofita UAB, Oltas UAB, Šiaulių apskrities viršininko administracija, Rimvydas Gasparavičius, Rimantas Pašakinskas

Re:

Reference for a preliminary ruling — Lietuvos vyriausiasis administracinis teismas — Interpretation of Articles 3 and 11 of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ 2001 L 197, p. 30) and of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40) — Whether or not it is necessary to carry out an assessment under Directive 2001/42/EC after an assessment has been carried out under Directive 85/337/EEC — National legislation which provides that it is not necessary to carry out a strategic environmental impact assessment of documents relating to land planning at local level if those documents relate to only one subject of economic activity

Operative part of the judgment

1. *Article 3(5) of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, in conjunction with Article 3(3) thereof, must be interpreted as precluding national legislation, such as that in question in the main proceedings, which provides, in fairly general terms and without assessment of each case, that assessment under that directive is not to be carried out where mention is made, in the land planning documents applied to small areas of land at local level, of only one subject of economic activity.*

2. *Article 11(1) and (2) of Directive 2001/42 must be interpreted as meaning that an environmental assessment carried out under Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997, does not dispense with the obligation to carry out such an assessment under Directive 2001/42. However, it is for the referring court to assess whether an assessment which has been carried out pursuant to Directive 85/337, as amended, may be considered to be the result of a coordinated or joint procedure and whether it already complies with all the requirements of Directive 2001/42. If that were to be the case, there would then no longer be an obligation to carry out a new assessment pursuant to Directive 2001/42.*

3. *Article 11(2) of Directive 2001/42 must be interpreted as not placing Member States under an obligation to provide, in national law, for joint or coordinated procedures in accordance with the requirements of Directive 2001/42 and Directive 85/337, as amended.*

([1]) OJ C 221, 14.8.2010.

Judgment of the Court (Second Chamber) of 22 September 2011 — Bell & Ross BV v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Klockgrossisten i Norden AB

(Case C-426/10 P) ([1])

(Appeal — Signed original application lodged out of time — Regularisable defect)

(2011/C 331/08)

Language of the case: French

Parties

Appellant: Bell & Ross BV (represented by: S. Guerlain, avocat)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent), Klockgrossisten i Norden AB

Re:

Appeal against the order of the General Court (Sixth Chamber) delivered on 18 June 2010 in Case T-51/10 *Bell & Ross* v *OHIM — Klockgrossisten i Norden*, whereby the General Court dismissed the action brought against the decision of the Third Board of Appeal of OHIM of 27 October 2009 (Case R 1267/2008-3) in invalidity proceedings between Klockgrossisten i Norden AB and Bell & Ross BV — Signed original application lodged out of time — Concepts of 'excusable error' and 'unforeseeable circumstances' — Principles of legitimate expectations and proportionality — Manifest inadmissibility

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Bell & Ross BV to pay the costs.*

([1]) OJ C 346, 18.12.2010.

Reference for a preliminary ruling from the Budapest Municipal Court lodged on 27 July 2011 — Jőrös Erika v Aegon Magyarország Hitel Zrt.

(Case C-397/11)

(2011/C 331/09)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicant: Jőrös Erika

Defendant: Aegon Magyarország Hitel Zrt.

Questions referred

1. Are the procedures of the national court consistent with Article 7(1) of Directive 93/13/EEC ([1]) if, having found that one of the contract's general terms relevant to the claim is unfair, the court examines its invalidity without the parties making a specific application in that regard?

2. Must the national court also proceed in accordance with question 1 in a case brought by a consumer where the determination of the invalidity of a general contract term on the ground of unfairness would ordinarily fall under the jurisdiction not of the local court but of a higher court, if the injured party were to bring a claim on that basis?