

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?