

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (First Chamber) of 18 April 2013 — European Commission v French Republic(Case C-625/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Transport — Development of the Community's railways — Directive 91/440/EEC — Article 6(3) and Annex II — Directive 2001/14/EC — Article 14(2) — Lack of legal independence of the railway infrastructure manager — Article 11 — Absence of a performance scheme — Incomplete transposition)

(2013/C 164/02)

Language of the case: French

Parties

Applicant: European Commission (represented by: J.-P. Keppenne and H. Støvlbæk, Agents)

Defendant: French Republic (represented by: G. de Bergues, M. Perrot and S. Menez, Agents)

Intervener in support of the defendant: Kingdom of Spain (represented by: S. Centeno Huerta, Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the provisions necessary to comply with Article 6(3) of and Annex II to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ 1991 L 237, p. 25) and Articles 6(2) to (5), 14(2) and 11 of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ 2001 L 75, p. 29)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the measures necessary to ensure that the entity entrusted with the exercise of essential functions listed in Annex II to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways, as

amended by Directive 2001/12/EC of the European Parliament and of the Council of 26 February 2001, is independent of the undertaking which provides railway transport services, in accordance with Article 6(3) of that directive and Annex II thereto and Article 14(2) of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, as amended by Directive 2007/58/EC of the European Parliament and of the Council of 23 October 2007, and by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Article 11 of Directive 2001/14 within the prescribed time limit, the French Republic has failed to fulfil its obligations under those provisions;

2. Dismisses the action as to the remainder;
3. Orders the European Commission and the French Republic to bear their own costs;
4. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 103, 2.4.2011.

Judgment of the Court (First Chamber) of 18 April 2013 — European Commission v Systran SA, Systran Luxembourg SA(Case C-103/11 P) ⁽¹⁾

(Appeals — Articles 225(1) EC, 235 EC and 288, second paragraph, EC — Action in non-contractual liability against the European Community — Assessment of the non-contractual character of the dispute — Jurisdiction of the Community Courts)

(2013/C 164/03)

Language of the case: French

Parties

Appellant: European Commission (represented by: T. van Rijn, E. Montaguti and J. Samnadda, acting as Agents, assisted by A. Berenboom, avocaat, and M. Isgour, avocat)

Other parties to the proceedings: Systran SA, Systran Luxembourg SA (represented by: J.-P. Spitzer and E. De Boissieu, avocats)

Re:

Appeal against the judgment of the General Court (Third Chamber) of 16 December 2010 in Case T-19/07 Systran and Systran Luxembourg v Commission, concerning an action for damages in respect of the damage allegedly suffered by the applicants at first instance as a result of unlawful conduct which occurred following a Commission invitation to tender concerning the maintenance and linguistic strengthening of its system of automatic translation — Erroneous assessment and contradictions concerning the non-contractual nature of the dispute — Infringement of the rights of the defence — Disregard of the rules concerning the taking of evidence — Manifest error of assessment regarding the sufficiently serious nature of the breach constituted by the Commission's supposed fault — Failure to state reasons

Operative part of the judgment

The Court:

1. Annuls the judgment of the General Court of the European Union of 16 December 2010 in Case T-19/07 Systran and Systran Luxembourg v Commission;
2. Dismisses the action of Systran SA and Systran Luxembourg SA in Case T-19/07;
3. Orders Systran SA and Systran Luxembourg SA to pay the costs incurred by the European Commission before the Court of Justice of the European Union and the General Court of the European Union.

⁽¹⁾ OJ C 145, 14.5.2011.

Judgment of the Court (Grand Chamber) of 16 April 2013 (request for a preliminary ruling from the Arbeidsrechtbank te Antwerpen — Belgium) — Anton Las v PSA Antwerp NV

(Case C-202/11) ⁽¹⁾

(Freedom of movement for workers — Article 45 TFEU — Company established in the Dutch-speaking region of the Kingdom of Belgium — Obligation to draft employment contracts in Dutch — Cross-border employment contract — Restriction — Disproportionate)

(2013/C 164/04)

Language of the case: Dutch

Referring court

Arbeidsrechtbank te Antwerpen

Parties to the main proceedings

Applicant: Anton Las

Defendant: PSA Antwerp NV

Re:

Request for a preliminary ruling — Arbeidsrechtbank te Antwerpen — Interpretation of Art. 39 EC (now Art. 45 TFEU) — Belgian regional legislation imposing an obligation on an undertaking established in the Dutch language region to draft, on pain of nullity, all documents relating to an employment relationship with an international character in Dutch

Operative part of the judgment

Article 45 TFEU must be interpreted as precluding legislation of a federated entity of a Member State, such as that in issue in the main proceedings, which requires all employers whose established place of business is located in that entity's territory to draft cross-border employment contracts exclusively in the official language of that federated entity, failing which the contracts are to be declared null and void by the national courts of their own motion.

⁽¹⁾ OJ C 219, 23.7.2011.

Judgment of the Court (Grand Chamber) of 16 April 2013 — Kingdom of Spain and Italian Republic v Council of the European Union

(Joined Cases C-274/11 and C-295/11) ⁽¹⁾

(Unitary patent — Decision authorising enhanced cooperation under Article 329(1) TFEU — Actions for annulment on grounds of lack of competence, misuse of powers and infringement of the Treaties — Conditions laid down in Article 20 TEU and in Articles 326 TFEU and 327 TFEU — Non-exclusive competence — Decision adopted 'as a last resort' — Preserving the interests of the Union)

(2013/C 164/05)

Language of the case: Spanish and Italian

Parties

Applicants: Kingdom of Spain (represented by: N. Díaz Abad, Agent), Italian Republic (represented by: G. Palmieri, Agent, assisted by S. Fiorentino, avvocato dello Stato)

Intervener in support of Kingdom of Spain: Italian Republic (represented by: G. Palmieri, Agent, assisted by S. Fiorentino, avvocato dello Stato)

Intervener in support of Italian Republic: Kingdom of Spain (represented by: N. Díaz Abad, Agent)