

2. Article 27 of Regulation No 1346/2000, as amended by Regulation No 788/2008, must be interpreted as meaning that it permits the opening of secondary insolvency proceedings in the Member State in which the debtor has an establishment, where the main proceedings have a protective purpose. It is for the court having jurisdiction to open secondary proceedings to have regard to the objectives of the main proceedings and to take account of the scheme of the Regulation, in keeping with the principle of sincere cooperation.
3. Article 27 of Regulation No 1346/2000, as amended by Regulation No 788/2008, must be interpreted as meaning that the court before which an application to have secondary insolvency proceedings opened has been made cannot examine the insolvency of a debtor against which main proceedings have been opened in another Member State, even where the latter proceedings have a protective purpose.

(¹) OJ C 152, 21.5.2011.

Judgment of the Court (Third Chamber) of 6 December 2012 (references for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Bundesrepublik Deutschland v Karen Dittrich (C-124/11), Bundesrepublik Deutschland v Robert Klinke (C-125/11) and Jörg-Detlef Müller v Bundesrepublik Deutschland (C-143/11)

(Joined Cases C-124/11, C-125/11 and C-143/11) (¹)

(Equal treatment in employment and occupation — National rules — Assistance granted to public servants in the event of illness — Directive 2000/78/EC — Article 3 — Scope — Concept of ‘pay’)

(2013/C 26/08)

Language of the cases: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicants: Bundesrepublik Deutschland (C-124/11 and C-125/11), Jörg-Detlef Müller (C-143/11)

Defendants: Karen Dittrich (C-124/11), Robert Klinke (C-125/11), Bundesrepublik Deutschland (C-143/11)

Re:

References for a preliminary ruling — Bundesverwaltungsgericht — Interpretation of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16) — National legislation providing for assistance paid to public servants in case of illness excluding life partners from the

members of the family who can be covered by the assistance in question — Equal treatment of workers in a registered partnership and married workers — Scope of Directive 2000/78/EC — Concept of remuneration

Operative part of the judgment

Article 3(1)(c) and 3(3) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as meaning that assistance granted to public servants in the event of illness, such as that granted to public servants of the Bundesrepublik Deutschland under the Law on federal public servants (Bundesbeamtengesetz), falls within the scope of that directive if it is the responsibility of the State, as a public employer, to finance it, this being a matter for the national court to determine.

(¹) OJ C 269, 10.09.2011.

Judgment of the Court (First Chamber) of 22 November 2012 (reference for a preliminary ruling from the Schienen-Control Kommission — Austria) — Westbahn Management GmbH v ÖBB-Infrastruktur AG

(Case C-136/11) (¹)

(Transport — Rail transport — Obligation of the railway infrastructure manager to provide railway undertakings in real time with all information concerning train movements, in particular information on delays to connecting trains)

(2013/C 26/09)

Language of the case: German

Referring court

Schiene-Control Kommission

Parties to the main proceedings

Applicant: Westbahn Management GmbH

Defendant: ÖBB-Infrastruktur AG

Re:

Reference for a preliminary ruling — Schienen-Control Kommission Wien — Interpretation of Article 8(2) of, in conjunction with Annex II, Part II, to, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ 2007 L 315, p. 14) and of Article 5 of, in conjunction with Annex II to, 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) — Obligation of the railway infrastructure manager to provide railway undertakings, in real time, with all information on train movements, including information on possible delays in connecting services

Operative part of the judgment

1. Article 8(2) of, in conjunction with Part II of Annex II to, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations must be interpreted as meaning that the information on main connecting services must, in addition to scheduled departure times, also include delays to or cancellations of those connecting services, whichever railway undertaking operates them.
2. Article 8(2) of, in conjunction with Part II of Annex II to, Regulation No 1371/2007 and Article 5 of, in conjunction with Annex II to, 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, as amended by Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004, must be interpreted as meaning that the infrastructure manager is required to make available to railway undertakings, in a non-discriminatory manner, real time data relating to trains operated by other railway undertakings, in so far as those trains constitute main connecting services within the meaning of Part II of Annex II to Regulation No 1371/2007.

(¹) OJ C 173, 11.6.2011.

Judgment of the Court (Third Chamber) of 22 November 2012 (reference for a preliminary ruling from the Audiencia Provincial de Barcelona — Spain) — Joan Cuadrench Moré v Koninklijke Luchtvaart Maatschappij NV

(Case C-139/11) (¹)

(Air transport — Compensation and assistance to passengers — Denied boarding and cancellation or long delays of flights — Period allowed for commencing proceedings)

(2013/C 26/10)

Language of the case: Spanish

Referring court

Audiencia Provincial de Barcelona

Parties to the main proceedings

Applicant: Joan Cuadrench Moré

Defendant: Koninklijke Luchtvaart Maatschappij NV

Re:

Reference for a preliminary ruling — Audiencia Provincial de Barcelona — Interpretation of Articles 5 and 6 of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights,

and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1) — Time-limits for bringing proceedings not laid down — Article 35 of the Convention for the Unification of Certain Rules Relating to International Carriage by Air (Montreal Convention), approved by Council Decision of 5 April 2001 (OJ 2001 L 194, p. 38) — Applicable law

Operative part of the judgment

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 must be interpreted as meaning that the time-limits for bringing actions for compensation under Articles 5 and 7 of that regulation are determined in accordance with the rules of each Member State on the limitation of actions.

(¹) OJ C 179, 18.6.2011.

Judgment of the Court (Second Chamber) of 6 December 2012 (reference for a preliminary ruling from the Arbeitsgericht München — Germany) — Johann Odar v Baxter Deutschland GmbH

(Case C-152/11) (¹)

(Equal treatment in employment and occupation — Directive 2000/78/EC — Prohibition against any discrimination on grounds of age or disability — Compensation on termination of employment — Social plan providing for a reduction in the amount of redundancy compensation paid to disabled workers)

(2013/C 26/11)

Language of the case: German

Referring court

Arbeitsgericht München

Parties to the main proceedings

Applicant: Johann Odar

Defendant: Baxter Deutschland GmbH

Re:

Reference for a preliminary ruling — Arbeitsgericht München — Interpretation of Articles 1, 6(1), second subparagraph, point (a), and 16 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16) — National legislation making it possible to exclude from receipt of the benefits provided for under an occupational pension scheme workers in age brackets close to the age at which a right to a retirement pension arises — Prohibition on all discrimination based on age and disability