

Operative part of the judgment

The second subparagraph of Article 6(1) 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 not precluding a national measure, such as that at issue in the main proceedings, which allows an employer to terminate an employee's employment contract on the sole ground that the employee has reached the age of 67 and which does not take account of the level of the retirement pension which the person concerned will receive, as that measure is objectively and reasonably justified by a legitimate aim relating to employment policy and labour-market policy and constitutes an appropriate and necessary means by which to achieve that aim.

(¹) OJ C 152, 21.5.2011.

Judgment of the Court (Second Chamber) of 12 July 2012 (reference for a preliminary ruling from the Riigikohus — Estonia) — AS Pimix, in liquidation v Maksu- ja Tolliameti Lõuna maksu- ja tollikeskus, Põllumajandusministeerium

(Case C-146/11) (¹)

(Accession of new Member States — Setting the charge on surplus stocks of agricultural products — Reference, in a provision of national law, to a provision of a European Union regulation not duly published in the Official Journal of the European Union in the language of the Member State in question)

(2012/C 287/19)

Language of the case: Estonian

Referring court

Riigikohus

Parties to the main proceedings

Applicant: AS Pimix, in liquidation

Defendants: Maksu- ja Tolliameti Lõuna maksu- ja tollikeskus, Põllumajandusministeerium

Re:

Reference for a preliminary ruling — Riigikohus — Interpretation of Articles 288(2) TFEU, 297(1) TFEU, Commission Regulation (EC) No 1972/2003 of 10 November 2003 on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ 2003 L 293, p. 3) and the judgments of the Court of Justice in Cases C-161/06, C-560/07 and C-140/08 — Accession of new Member States — Setting the charge on surplus stocks of agricultural products — Reference, in a provision of national law, to a provision of a European Union regulation not duly published in the Official Journal of the European Union in the language of the Member

State in question on the date prescribed for determination of the surplus stock — Whether regulation implemented within the meaning of the Court's case-law

Operative part of the judgment

Article 58 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded must be interpreted as precluding, in Estonia, the application to individuals of provisions of Commission Regulation (EC) No 1972/2003 of 10 November 2003 on transitional measures to be adopted in respect of trade in agricultural products on account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, which, as at 1 May 2004, had neither been published in Estonian in the Official Journal of the European Union nor reproduced in the national law of that Member State, even though those individuals could have learned of those provisions by other means.

(¹) OJ C 160, 25.5.2011.

Judgment of the Court (Fourth Chamber) of 12 July 2012 (reference for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — Fra.bo SpA v Deutsche Vereinigung des Gas- und Wasserfaches eV (DVGW) — Technisch-Wissenschaftlicher Verein

(Case C-171/11) (¹)

(Free movement of goods — Measures having equivalent effect to a quantitative restriction — National certification procedure — Presumption of compliance with national law — Applicability of Article 28 EC to a private-law certification body)

(2012/C 287/20)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Fra.bo SpA

Defendant: Deutsche Vereinigung des Gas- und Wasserfaches eV (DVGW) — Technisch-Wissenschaftlicher Verein

Re:

Reference for a preliminary ruling — Oberlandesgericht Düsseldorf — Interpretation of Articles 34, 101 and 106(2) TFEU — Application of those provisions to the activity of a private-law association (Technisch-Wissenschaftlicher Verein), approved by a Member State as a certification body for certain products — Horizontal direct effect of Article 34 TFEU

Operative part of the judgment

Article 28 EC must be interpreted as meaning that it applies to standardisation and certification activities of a private-law body, where the national legislation considers the products certified by that body to be compliant with national law and that has the effect of restricting the marketing of products which are not certified by that body.

(¹) OJ C 226, 30.7.2011.

Judgment of the Court (Fourth Chamber) of 12 July 2012 (reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — HIT hoteli, igralnice, turizem dd Nova Gorica and HIT LARIX, prirejanje posebnih iger na srečo in turizem dd v Bundesminister für Finanzen

(Case C-176/11) (¹)

(Article 56 TFEU — Restriction on the freedom to provide services — Games of chance — Legislation of a Member State prohibiting the advertising of casinos located in other States if the level of legal protection for gamblers in those States is not equivalent to that ensured at national level — Justification — Overriding reasons in the public interest — Proportionality)

(2012/C 287/21)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicants: HIT hoteli, igralnice, turizem dd Nova Gorica and HIT LARIX, prirejanje posebnih iger na srečo in turizem dd

Defendant: Bundesminister für Finanzen

Re:

Reference for a preliminary ruling — Verfassungsgerichtshof — Interpretation of Article 56 TFEU et seq. — Freedom to provide services — Games of chance — Legislation of a Member State prohibiting the advertising in its territory of casinos located in other States if the level of legal protection for gamblers in those States is not considered equivalent to the level of protection ensured at national level

Operative part of the judgment

Article 56 TFEU must be interpreted as not precluding legislation of a Member State which permits the advertising in that State of casinos

located in another Member State only where the legal provisions for the protection of gamblers adopted in that other Member State provide guarantees that are in essence equivalent to those of the corresponding legal provisions in force in the first Member State.

(¹) OJ C 226, 30.7.2011.

Judgment of the Court (Sixth Chamber) of 12 July 2012 — Compañía Española de Tabaco en Rama, SA (Cetarsa) v European Commission

(Case C-181/11 P) (¹)

(Appeal — Competition — Agreements — Spanish market for the purchase and first processing of raw tobacco — Decision finding an infringement of Article 81 EC — Price fixing and market sharing — Fines — Equal treatment — Maximum limit of 10 % of turnover — Cooperation — Distortion of evidence — Manifest error of assessment — Failure to state reasons)

(2012/C 287/22)

Language of the case: Spanish

Parties

Appellant: Compañía Española de Tabaco en Rama, SA (Cetarsa) (represented by: M. Araujo Boyd, J. Buendía Sierra and Á. Givaja Sanz, abogados)

Other party to the proceedings: European Commission (represented by: F. Castillo de la Torre, E. Gippini Fournier and L. Malferrari, acting as Agents)

Re:

Appeal against the judgment of the General Court (Fourth Chamber) in Case T-33/05 *Cetarsa v Commission*, by which that Court dismissed an application for annulment of Commission Decision C(2004) final of 20 October 2004, relating to a proceeding under Article 81(1) EC (Case COMP/C.38.238/B.2 — Raw Tobacco — Spain), and a cross-appeal by the Commission seeking to have the amount of the fine imposed on the applicant increased

Operative part of the judgment

The Court:

1. Dismisses the appeal and the cross-appeal;
2. Orders Compañía Española de Tabaco en Rama, SA (Cetarsa) to pay the costs of the appeal;