

Operative part of the judgment

In circumstances such as those in the main proceedings, Article 15(2) of Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national must be interpreted as meaning that a Member State which is not responsible for examining an application for asylum pursuant to the criteria laid down in Chapter III of that regulation becomes so responsible. It is for the Member State which has become the responsible Member State within the meaning of that regulation to assume the obligations which go along with that responsibility. It must inform in that respect the Member State previously responsible. This interpretation of Article 15(2) also applies where the Member State which was responsible pursuant to the criteria laid down in Chapter III of Regulation No 343/2003 did not make a request in that regard in accordance with the second sentence of Article 15(1) of that regulation.

(¹) OJ C 269, 10.9.2011.

Judgment of the Court (Third Chamber) of 8 November 2012 (reference for a preliminary ruling from the Hamburgisches Oberverwaltungsgericht — Germany) — Atilla Gülbahce v Freie und Hansestadt Hamburg

(Case C-268/11) (¹)

(Reference for a preliminary ruling — EEC-Turkey Association Agreement — Decision No 1/80 of the Association Council — Article 6(1), first indent — Rights of Turkish workers duly registered as belonging to the labour force — Retroactive withdrawal of a residence permit)

(2013/C 9/24)

Language of the case: German

Referring court

Hamburgisches Oberverwaltungsgericht

Parties to the main proceedings

Applicant: Atilla Gülbahce

Defendant: Freie und Hansestadt Hamburg

Re:

Reference for a preliminary ruling — Hamburgisches Oberverwaltungsgericht — Interpretation of Article 10(1) and Article 13 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the EEC-Turkey Association — Grant to a Turkish worker, spouse of a national of the host Member State, of a residence permit of limited duration and a work permit of unlimited duration — Withdrawal, with retroactive effect on grounds of the separation from his spouse of which the competent authorities were not informed, of decisions extending the duration of the residence permit — Conditions for basing the right of residence on

Article 10(1) of Decision No 1/80, in the light of the work permit of unlimited duration

Operative part of the judgment

The first indent of Article 6(1) of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association set up by the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 by the Republic of Turkey, on the one hand, and by the Member States of the EEC and the Community, on the other, and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963, must be interpreted as precluding the competent national authorities from withdrawing the residence permit of a Turkish worker with retroactive effect from the point in time at which there was no longer compliance with the ground on the basis of which his residence permit had been issued under national law if there is no question of fraudulent conduct on the part of that worker and that withdrawal occurs after the completion of the period of one year of legal employment provided for in the first indent of Article 6(1) of Decision No 1/80.

(¹) OJ C 269, 10.9.2011.

Judgment of the Court (First Chamber) of 8 November 2012 (reference for a preliminary ruling from the Simvoulio tis Epikratias, Greece) — Techniko Epimelitirio Elladas (TEE) and Others v Ipourgos Esoterikon, Dimosias Diikisis kai Apokentrosis, Ipourgos Metaforon kai Epikinonion, Ipourgos Ikonomias kai Ikonomikon

(Case C-271/11) (¹)

(Air transport — Regulation No 2042/2003 — Technical requirements and administrative procedures in the field of civil aviation — Continuing airworthiness of aircraft — Approval of members of staff involved in tasks of inspection — Qualifications required)

(2013/C 9/25)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias, Greece

Parties to the main proceedings

Applicants: Techniko Epimelitirio Elladas (TEE), Sillogos Ellinon Diplomatouchon Aeronafpigon Michanikon (SEA), Alexandros Tsiapas, Antonios Ikonomopoulos, Apostolos Batategas, Vasilios Kouloukis, Georgios Ikonomopoulos, Ilias Iliadis, Ioannis Tertigkas, Panellinios Sillogos Aerolimenikon Ipiresias Politikis Aeroporias, Eleni Theodoridou, Ioannis Karnesiotis, Alexandra Efthimiou, Eleni Saatsaki

Defendants: Ipourgos Esoterikon, Dimosias Diikisis kai Apokentrosis, Ipourgos Metaforon kai Epikinonion, Ipourgos Ikonomias kai Ikonomikon,