

Re:

Appeal brought against the order of the General Court (Sixth Chamber) of 13 April 2011 in Case T-320/09 *Planet AE v Commission* dismissing the plea of inadmissibility raised by the European Commission in an action for the annulment of Commission decisions, taken following investigation by the European Anti-Fraud Office (OLAF), to activate, in the early warning system (EWS), a 'W1a' registration and subsequently a 'W1b' registration, identifying the level of risk associated with the applicant as a party awarded a public service contract concerning a project for institutional and sectoral modernisation in Syria, funded under the MEDA programme (OJ 2005 S 203-199730).

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 238, 13.8.2011.

Judgment of the Court (First Chamber) of 19 December 2012 (request for a preliminary ruling from the Sąd Rejonowy w Koszalinie — Poland) — Krystyna Alder, Ewald Alder v Sabina Orłowska, Czesław Orłowski

(Case C-325/11) ⁽¹⁾

(Regulation (EC) No 1393/2007 — Service of documents — Party domiciled in the territory of another Member State — Representative domiciled in national territory — None — Procedural documents placed in the case file — Presumption of knowledge)

(2013/C 46/12)

Language of the case: Polish

Referring court

Sąd Rejonowy w Koszalinie

Parties to the main proceedings

Applicants: Krystyna Alder, Ewald Alder

Defendants: Sabina Orłowska, Czesław Orłowski

Re:

Request for a preliminary ruling — Sąd Rejonowy w Koszalinie (Poland) — Interpretation of Article 18 TFEU and of Article 1(1) of Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the

service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324 of 10 December 2007, p. 79) — National legislation which establishes, for a party who is resident in another Member State and has not appointed a representative resident in national territory, a presumption that that party is aware of procedural documents which have been placed in the case file

Operative part of the judgment

Article 1(1) of Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) and repealing Council Regulation (EC) No 1348/2000 must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which provides that judicial documents addressed to a party whose place of residence or habitual abode is in another Member State are placed in the case file, and deemed to have been effectively served, if that party has failed to appoint a representative who is authorised to accept service and is resident in the first Member State, in which the judicial proceedings are taking place.

⁽¹⁾ OJ C 269, 10.9.2011.

Judgment of the Court (Third Chamber) of 19 December 2012 (request for a preliminary ruling from the ELEGKTIKO SINEDRIO — Greece) — Epitropos tou Elegktikou Sinedriou sto Ipourgio Politismou kai Tourismou v Ipourgio Politismou kai Tourismou — Ipiresia Dimosionomikou Elenchou

(Case C-363/11) ⁽¹⁾

(Request for a preliminary ruling — Concept of 'court or tribunal of a Member State' within the meaning of Article 267 TFEU — Proceedings intended to lead to a decision of a judicial nature — National court of auditors ruling on prior authorisation of public expenditure — Inadmissibility)

(2013/C 46/13)

Language of the case: Greek

Referring court

Elegktiko Sinedrio

Parties to the main proceedings

Applicant: Epitropos tou Elegktikou Sinedriou sto Ipourgio Politismou kai Tourismou

Defendant: Ipourgio Politismou kai Tourismou — Ipiresia Dimosionomikou Elenchou

Third party: Konstantinos Antonopoulos

Defendant: Bevándorlási és Állampolgársági Hivatal

Re:

Request for a preliminary ruling — Elegktiko Synedrio — Interpretation of clause 4(1) of the Annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43) and Article 153 TFEU — Employment condition or working condition — Meaning — Conditions of remuneration for time engaged in trade union activities, as leave for trade union business — Inclusion

intervening party: ENSZ Menekültügyi Főbiztossága,

Operative part of the judgment

The reference for a preliminary ruling from the Elegktiko Sinedrio (Greece) made by decision of 1 July 2011 is inadmissible.

Re:

Reference for a preliminary ruling — Fővárosi Bíróság — Interpretation of Articles 12(1)(a) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12) — Stateless persons of Palestinian origin who have availed themselves of the protection of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) — Whether such a stateless person is *ipso facto* entitled to the benefits of Directive 2004/83/EC where the protection provided by that agency ceases — Circumstances under which the protection may be deemed to have come to an end — The meaning of being ‘entitled to the benefits of this Directive’

⁽¹⁾ OJ C 269, 10.9.2011.

Judgment of the Court (Grand Chamber) of 19 December 2012 (reference for a preliminary ruling from the Fővárosi Bíróság — Hungary) — Mostafa Abed El Karem El Kott, Chadi Amin A Radi, Hazem Kamel Ismail v Bevándorlási és Állampolgársági Hivatal

(Case C-364/11) ⁽¹⁾

(Directive 2004/83/EC — Minimum standards for determining who qualifies for refugee status or subsidiary protection status — Stateless persons of Palestinian origin who have in fact availed themselves of assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) — The right of those stateless persons to recognition as refugees on the basis of the second sentence of Article 12(1)(a) of Directive 2004/83 — Conditions under which applicable — Cessation of UNRWA assistance ‘for any reason’ — Evidence — Consequences for the persons concerned seeking refugee status — Persons ‘ipso facto ... entitled to the benefits of [the] Directive’ — Automatic recognition as a ‘refugee’ within the meaning of Article 2(c) of Directive 2004/83 and the granting of refugee status in accordance with Article 13 thereof)

(2013/C 46/14)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicants: Mostafa Abed El Karem El Kott, Chadi Amin A Radi, Hazem Kamel Ismail

Operative part of the judgment

1. The second sentence of Article 12(1)(a) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted must be interpreted as meaning that the cessation of protection or assistance from organs or agencies of the United Nations other than the High Commission for Refugees (HCR) ‘for any reason’ includes the situation in which a person who, after actually availing himself of such protection or assistance, ceases to receive it for a reason beyond his control and independent of his volition. It is for the competent national authorities of the Member State responsible for examining the asylum application made by such a person to ascertain, by carrying out an assessment of the application on an individual basis, whether that person was forced to leave the area of operations of such an organ or agency, which will be the case where that person’s personal safety was at serious risk and it was impossible for that organ or agency to guarantee that his living conditions in that area would be commensurate with the mission entrusted to that organ or agency.
2. The second sentence of Article 12(1)(a) of Directive 2004/83 must be interpreted as meaning that, where the competent authorities of the Member State responsible for examining the application for asylum have established that the condition relating to the cessation of the protection or assistance provided by the United Nations Relief and Works Agency for Palestine Refugees in the