

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

Near East (UNRWA) is satisfied as regards the applicant, the fact that that person is ipso facto 'entitled to the benefits of [the] directive' means that that Member State must recognise him as a refugee within the meaning of Article 2(c) of the directive and that person must automatically be granted refugee status, provided always that he is not caught by Article 12(1)(b) or (2) and (3) of the directive.

(¹) OJ C 347, 26.11.2011.

Judgment of the Court (Fourth Chamber) of 19 December 2012 — European Commission v Ireland

(Case C-374/11) (¹)

(Failure of a Member State to fulfil obligations — Directive 75/442/EEC — Domestic waste waters discharged through septic tanks in the countryside — Judgment of the Court finding that a Member State has failed to fulfil obligations — Article 260(2) TFEU — Measures to ensure compliance with a judgment of the Court — Financial penalties — Penalty payment — Lump sum)

(2013/C 46/15)

Language of the case: English

Parties

Applicant: European Commission (represented by: E. White, acting as Agent)

Defendant: Ireland (represented by: D. O'Hagan and E. Creedon, acting as Agents, A. Collins, SC, and M. Gray, BL)

Re:

Failure of a Member State to fulfil obligations — Non-compliance with the judgment of the Court of 29 October 2009 in Case C-188/08 *Commission v Ireland*, concerning infringement of Articles 4, 7, 8, 9, 10, 11, 12, 13 and 14 of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32), as regards domestic waste waters discharged through septic tanks — Waste not covered by other legislation — Application for the imposition of a periodic penalty payment and the payment of a lump sum

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt all of the measures necessary to ensure compliance with the judgment of 29 October 2009 in Case C-188/08 *Commission v Ireland* establishing that Ireland has failed to fulfil its obligations under Articles 4 and 8 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, Ireland has failed to fulfil its obligations under Article 260(1) TFEU;

2. Orders Ireland to pay to the European Commission, into the 'European Union own resources' account, a penalty payment of EUR 12 000 for each day of delay in adopting the measures necessary to ensure compliance with the judgment in Case C-188/08 *Commission v Ireland*, with effect from the date on which judgment is delivered in the present case until the date of full compliance with the judgment in Case C-188/08 *Commission v Ireland*;

3. Orders Ireland to pay to the European Commission, into the 'European Union own resources' account, the lump sum of EUR 2 000 000;

4. Orders Ireland to pay the costs.

(¹) OJ C 282, 24.9.2011.

Judgment of the Court (Seventh Chamber) of 19 December 2012 — Bavaria NV v European Commission

(Case C-445/11 P) (¹)

(Appeal — Competition — Agreements, decisions and concerted practices — Dutch beer market — Commission decision finding an infringement of Article 81 EC — Fines — Duration of the administrative procedure — Level of the fine)

(2013/C 46/16)

Language of the case: Dutch

Parties

Appellant: Bavaria NV (represented by: O. Brouwer, P.W. Schepens and N. Al-Ani, advocaten)

Other party to the proceedings: European Commission (represented by: P. Van Nuffel and F. Ronkes Agerbeek, acting as Agents, assisted by M. Slotboom, advocaat)

Re:

Appeal brought against the judgment delivered by the General Court (Sixth Chamber, Extended Composition) on 16 June 2011 in Case T-235/07 *Bavaria v Commission* by which the General Court annulled Article 1 of Commission Decision C(2007) 1697 of 18 April 2007 relating to a proceeding under Article 81 [EC] (Case COMP/B/37.766 — Dutch beer market) in so far as the European Commission found that Bavaria NV had participated in an infringement consisting in the occasional coordination of commercial conditions, other than prices, offered to individual consumers in the on-trade segment in the Netherlands