

Re:

Reference for a preliminary ruling — Audiencia Provincial de Barcelona — Interpretation of Articles 3(3) and 22(2) of the Convention for the Unification of Certain Rules for International Carriage by Air (Montreal Convention), (Council Decision 2001/539/EC, OJ 2001 L 194, p. 38) — Air carrier liability in respect of the carriage of passengers and their baggage by air — Limits of liability in the event of the destruction, loss, damage or delay of baggage

Operative part of the judgment

Article 22(2) of the Convention for the Unification of Certain Rules for International Carriage by Air, concluded in Montreal on 28 May 1999, signed by the European Community on 9 December 1999 and approved on its behalf by Council Decision 2001/539/EC of 5 April 2001, read in conjunction with Article 3(3) of that convention, must be interpreted as meaning that the right to compensation and the limits to a carrier's liability in the event of loss of baggage apply also to a passenger who claims that compensation by virtue of the loss of baggage checked in in another passenger's name, provided that that lost baggage did in fact contain the first passenger's items.

(¹) OJ C 290, 1.10.2011.

Judgment of the Court (Third Chamber) of 29 November 2012 — United Kingdom of Great Britain and Northern Ireland v European Commission

(Case C-416/11 P) (¹)

(Appeal — Directive 92/43/EEC — Conservation of natural habitats — List of sites of Community importance for the Mediterranean biogeographical region — Inclusion in the list of a site proposed by the Kingdom of Spain — Site allegedly covering an area of British Gibraltar territorial waters and an area of the high seas — Action for annulment — Measure merely confirmatory)

(2013/C 26/22)

Language of the case: English

Parties

Appellant: United Kingdom of Great Britain and Northern Ireland (represented by: S. Ossowski, Agent, D. Wyatt QC and V. Wakefield, Barrister)

Other party to the proceedings: European Commission (represented by: D. Recchia and K. Mifsud Bonnici, Agents)

Intervener in support of the Commission: Kingdom of Spain (represented by: N. Díaz Abad and A. Rubio González, acting as Agents)

Re:

Appeal brought against the order of the General Court (Seventh Chamber) of 24 May 2011 in Case T-115/01 *United Kingdom of Great Britain and Northern Ireland v European Commission* [2011] ECR II-0000, by which that court dismissed as inadmissible an

action for partial annulment of Commission Decision 2010/45/EC of 22 December 2009 adopting, pursuant to Council Directive 92/43/EEC, a third updated list of sites of Community importance for the Mediterranean biogeographical region [notified under number C(2009) 10406], to the extent that it retains on the list a site called 'Estrecho Oriental' (ES6120032), proposed by Spain, which includes an area of British Gibraltar territorial waters and an area of the high seas

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs;
3. Orders the Kingdom of Spain to bear its own costs.

(¹) OJ C 298, 8.10.2011.

Judgment of the Court (First Chamber) of 6 December 2012 (reference for a preliminary ruling from the Tribunale di Rovigo — Italy) — Criminal proceedings against Md Sagor

(Case C-430/11) (¹)

(Area of freedom, security and justice — Directive 2008/115/EC — Common standards and procedures for returning illegally staying third-country nationals — National legislation providing for a fine which may be replaced by an order for expulsion or home detention)

(2013/C 26/23)

Language of the case: Italian

Referring court

Tribunale di Rovigo

Party in the main proceedings

Md Sagor

Re:

Reference for a preliminary ruling — Tribunale di Rovigo — Interpretation of Articles 2, 4, 6, 7, 8, 15 and 16 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008 L 348, p. 98) and Article 4(3) TEU — National legislation imposing a fine of between EUR 5 000 and EUR 10 000 on a foreign national who unlawfully enters