Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 13 July 2011 in Case T-138/07 *Schindler Holding and Others* v *Commission* by which the General Court dismissed the action seeking the annulment of Commission Decision C(2007) 512 final of 21 February 2007 relating to a proceeding under Article 81 EC (Case COMP/E-1/38.823 — Elevators and Escalators), concerning a cartel on the market for the installation and maintenance of elevators and escalators in Belgium, Germany, Luxembourg and the Netherlands relating to bid-rigging, the sharing of markets, the fixing of prices, the award of projects and of the related contracts and the exchange of information, and, in the alternative, seeking the reduction of the fine imposed upon the appellants

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Schindler Holding Ltd, Schindler Management AG, Schindler SA, Schindler Sàrl, Schindler Liften BV and Schindler Deutschland Holding GmbH to bear their own costs and, in addition, to pay those incurred by the European Commission;*

3. *Orders the Council of the European Union to bear its own costs.*

([1]) OJ C 347, 26.11.2011.

Judgment of the Court (Second Chamber) of 18 July 2013 (request for a preliminary ruling from the Verwaltungsgericht Berlin — Germany) — Deutsche Umwelthilfe eV v Bundesrepublik Deutschland

(Case C-515/11) ([1])

(Public access to environmental information — Directive 2003/4/EC — Power of the Member States to exclude bodies acting in a legislative capacity from the definition of 'public authority' under that directive — Limits)

(2013/C 260/13)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: Deutsche Umwelthilfe eV

Defendant: Bundesrepublik Deutschland

Re:

Request for a preliminary ruling — Verwaltungsgericht Berlin — Interpretation of Article 2(2) of Directive 2003/4/EC of the Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ 2003 L 41, p. 26) — Obligation of public authorities to make available environmental information held by them to any applicant — National legislation exempting the supreme federal authorities from the obligation to provide information where they act in the context of the legislative process — Limits of the power of the Member States to exclude bodies acting in a legislative capacity from the definition of 'public authority' under Directive 2003/4/EC

Operative part of the judgment

The first sentence of the second subparagraph of Article 2(2) of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC must be interpreted as meaning that the option given to Member States by that provision of not regarding 'bodies or institutions acting in a … legislative capacity' as public authorities, required to allow access to the environmental information which they hold, may not be applied to ministries when they prepare and adopt normative regulations which are of a lower rank than a law.

([1]) OJ C 32, 4.2.2012.

Judgment of the Court (Sixth Chamber) of 18 July 2013 — European Commission v French Republic

(Case C-520/11) ([1])

(Failure of a Member State to fulfil obligations — Decision 2009/726/EC — Non-compliance — Imports of milk and milk products — Origin — At-risk holdings in terms of cases of spongiform encephalopathies — National prohibitions)

(2013/C 260/14)

Language of the case: French

Parties

Applicant: European Commission (represented by: F. Jimeno Fernández and D. Bianchi, acting as Agents)

Defendant: French Republic (represented by: G. de Bergues and S. Menez, and by C. Candat and R. Loosli-Surrans, acting as Agents)

Re:

Failure to fulfil obligations — Infringement of Arts 4(3) TEU and 288 TFEU — Failure to comply with Commission Decision 2009/726/EC of 24 September 2009 concerning interim protection measures taken by France as regards the introduction onto its territory of milk and milk products coming from a holding where a classical scrapie case is confirmed (OJ 2009 L 258, p. 27)

Operative part of the judgment

The Court:

1. *Declares that, by failing to comply with Commission Decision 2009/726/EC of 24 September 2009 concerning interim protection measures taken by France as regards the introduction onto its territory of milk and milk products coming from a holding where a classical scrapie case is confirmed, the French Republic has failed to fulfil its obligations under Articles 4(3) TEU and 288 TFEU.*

2. *The French Republic is ordered to pay costs.*

([1]) OJ C 362, 10.12.2011.

Judgment of the Court (Third Chamber) of 18 July 2013 (requests for a preliminary ruling from the Verwaltungsgericht Hannover, Verwaltungsgericht Karlsruhe — Germany) — Laurence Prinz v Region Hannover (C-523/11), and Philipp Seeberger v Studentenwerk Heidelberg (C-585/11)

(Joined Cases C-523/11 and C-585/11) ([1])

(Citizenship of the Union — Articles 20 TFEU and 21 TFEU — Right of freedom of movement and residence — Education or training grant awarded to nationals of a Member State in order to pursue their studies in another Member State — Requirement of residence in the home Member State for at least three years prior to the commencement of studies)

(2013/C 260/15)

Language of the case: German

Referring court

Verwaltungsgericht Hannover, Verwaltungsgericht Karlsruhe

Parties to the main proceedings

Applicants: Laurence Prinz (C-523/11), Philipp Seeberger (C-585/11)

Defendants: Region Hannover (C-523/11), and Studentenwerk Heidelberg (C-585/11)

Re:

Requests for a preliminary ruling — Verwaltungsgericht Hannover — Interpretation of Articles 20 TFEU and 21 TFEU — Receipt of an education or training grant ('Ausbildungsförderung') — National rules limiting receipt of that grant to one year for citizens who pursue their studies abroad and reside for less than three years prior to the commencement of their studies in a national territory

Operative part of the judgment

Articles 20 TFEU and 21 TFEU must be interpreted as meaning that they preclude legislation of a Member State which makes the award of an education grant for studies in another Member State for a period of more than one year subject to a sole condition, such as that laid down in Paragraph 16(3) of the Federal Law on assistance for education and training [Bundesgesetz über individuelle Förderung der Ausbildung (Bundesausbildungsförderungsgesetz)], as amended on 1 January 2008, by the twenty-second law amending the Federal Law on assistance for education and training, requiring the applicant to have had a permanent residence, within the meaning of that law, in national territory for at least three years before commencing those studies.

([1]) OJ C 13, 14.1.2012.
OJ C 49, 18.2.2012.

Judgment of the Court (Fourth Chamber) of 18 July 2013 — New Yorker SHK Jeans GmbH & Co. KG, formerly New Yorker SHK Jeans GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Vallis K.-Vallis A. & Co. OE

(Case C-621/11 P) ([1])

(Appeal — Application for registration of the Community word mark FISHBONE — Opposition proceedings — Earlier national figurative mark FISHBONE BEACHWEAR — Genuine use of the earlier mark — Taking into account additional evidence not submitted within the time-limit set — Regulation (EC) No 207/2009 — Articles 42(2) and (3) and Article 76(2) — Regulation (EC) No 2868/95 — Rule 22(2))

(2013/C 260/16)

Language of the case: English

Parties

Appellant: New Yorker SHK Jeans GmbH & Co. KG, formerly New Yorker SHK Jeans GmbH (represented by: V. Spitz, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Geroulakos, acting as Agent), Vallis K. — Vallis A. & Co. O.E

Re:

Appeal against the judgment of the General Court (Sixth Chamber) of 29 September 2011 in Case T-415/09 *New Yorker SHK Jeans* v *OHIM* by which that court dismissed an action for annulment brought by the applicant for the word mark 'FISHBONE', for goods in Classes 18 and 25, against decision R 1051/2008-1 of the First Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 30 July 2009, rejecting in part the appeal brought against the decision of the Opposition Division refusing in part registration of that mark in the context of the opposition formed by the proprietor of the national mark 'FISHBONE BEACHWEAR' for the goods in Class 25, and the national sign 'Fishbone' used in business — Genuine use of the earlier mark — Taking into account additional evidence