

prohibition on making available economic resources to the persons listed in Annexes IV and V of the aforesaid regulation — Concept of ‘making available indirectly’ — Simultaneous application of the provisions prohibiting the making available of economic resources, on the one hand, and the contravention of the latter prohibition, on the other hand

Operative part of the judgment

- Article 7(3) of Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran must be interpreted as meaning that the prohibition on indirectly making available an economic resource, within the meaning of Article 1(i) of that regulation, encompasses acts relating to the supply and installation in Iran of a sintering furnace in working condition but not yet ready to use for the benefit of a third party which, acting on behalf, under the control or on the instructions of a person, an entity or a body listed in Annexes IV and V to that regulation, intends to use that furnace to manufacture, for the benefit of such a person, entity or body, goods capable of contributing to nuclear proliferation in that State;
- Article 7(4) of Regulation No 423/2007 must be interpreted as meaning that:
 - it covers activities which, under cover of a formal appearance which enables them to avoid the constituent elements of an infringement of Article 7(3) of the regulation, none the less have the object or effect, direct or indirect, of frustrating the prohibition laid down in that provision;
 - the terms ‘knowingly’ and ‘intentionally’ imply cumulative requirements of knowledge and intent, which are met where the person participating in an activity having such an object or such an effect deliberately seeks that object or effect or is at least aware that his participation may have that object or that effect and he accepts that possibility.

⁽¹⁾ OJ C 252, 27.8.2011.

Order of the Court (Seventh Chamber) of 18 November 2011 (reference for a preliminary ruling from the Tribunale di Bari — Italy) — Giovanni Colapietro v Ispettorato Centrale Repressioni Frodi

(Case C-519/10) ⁽¹⁾

(Reference for a preliminary ruling — Articles 92(1), 103(1) and the second subparagraph of 104(3) of the Rules of Procedure — Wine sector — Regulation (EEC) No 822/87 and Regulation (EC) No 343/94 — Answer to the question admitting of no reasonable doubt — Manifest inadmissibility)

(2012/C 49/22)

Language of the case: Italian

Referring court

Tribunale di Bari

Parties to the main proceedings

Applicant: Giovanni Colapietro

Defendant: Ispettorato Centrale Repressioni Frodi

Re:

Reference for a preliminary ruling — Tribunale di Bari — Wine sector — Compulsory distillation system — 1993/1994 wine year — Scope of temporal application of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine (OJ 1987 L 84, p. 1) — Repealing of that regulation by Commission Regulation (EC) No 343/94 of 15 February 1994 opening compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87 and derogating for the 1993/94 wine year from certain detailed rules for the application thereof (OJ 1994 L 44, p. 9) — Administrative sanction under national law for infringements of Regulation No 822/87 — Applicability in the case of infringement of Regulation No 343/94 — Proportionality of the administrative sanction imposed

Operative part of the order

Commission Regulation (EC) No 343/94 of 15 February 1994 opening compulsory distillation as provided for in Article 39 of Council Regulation (EEC) No 822/87 and derogating for the 1993/94 wine year from certain detailed rules for the application thereof implements Regulation No 822/87 and neither repeals nor replaces it.

⁽¹⁾ OJ C 13, 15.1.2011.

Order of the Court (Fifth Chamber) of 20 October 2011 — DTL Corporación, SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Gestión de Recursos y Soluciones Empresariales SL

(Case C-67/11 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Opposition procedure — Figurative mark containing the word element ‘Solaria’ and earlier national figurative mark containing the word element ‘Solartia’ — Registration refused in part — Likelihood of confusion — Request for a stay of the proceedings before the General Court — Failure to lodge the request in good time)

(2012/C 49/23)

Language of the case: Spanish

Parties

Appellant: DTL Corporación, SL (represented by: A. Zuazo Araluze, abogado)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent), Gestión de Recursos y Soluciones Empresariales SL (represented by: M. Polo Carreño and M. Granado Carpenter, abogadas)

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 15 December 2010 in Case T-188/10 *DTL v OHIM — Gestión de Recursos y Soluciones Empresariales (Solaria)* in which the General Court dismissed an action brought against the decision of the Second Board of Appeal of OHIM of 17 February 2010 (Case R 767/2009-2) relating to opposition proceedings between Gestión de Recursos y Soluciones Empresariales SL and DTL Corporación SL

Operative part of the order

1. *There is no need to adjudicate on the appeal in so far as it concerns the services falling within Class 37 of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended.*
2. *The appeal is dismissed in so far as it concerns the services falling within Class 42 of the Nice Agreement.*
3. *DTL Corporación SL shall pay the costs.*

⁽¹⁾ OJ C 130, 30.4.2011.

Reference for a preliminary ruling from the Verwaltungsgericht Karlsruhe (Germany) lodged on 24 November 2011 — Philipp Seeberger v Studentenwerk Heidelberg

(Case C-585/11)

(2012/C 49/24)

Language of the case: German

Referring court

Verwaltungsgericht Karlsruhe

Parties to the main proceedings

Claimant: Philipp Seeberger

Defendant: Studentenwerk Heidelberg

Question referred

Does European Union law preclude national legislation which denies an education or training grant for studies in another Member State solely on the ground that the student, who has

exercised the right to freedom of movement, has not, at the commencement of the studies, had his permanent residence in his Member State of origin for at least three years? ⁽¹⁾

⁽¹⁾ Interpretation of Articles 20 and 21 of the Treaty on the Functioning of the European Union (TFEU) — Citizenship of the Union and free movement.

Reference for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 28 November 2011 — Anssi Ketelä

(Case C-592/11)

(2012/C 49/25)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant: Anssi Ketelä

Defendant: Etelä-Pohjanmaan elinkeino-, liikenne- ja ympäristökeskus.

Questions referred

1. How are Article 22(1)(a) of Council Regulation (EC) No 1698/2005 ⁽¹⁾ ('are setting up for the first time on an agricultural holding as head of the holding') and Article 13(4) and (6) of Commission Regulation (EC) No 1974/2006 ⁽²⁾ to be interpreted in a situation where agriculture is being engaged in as part of activity in company form? When assessing whether a person has started for the first time as head of a holding, is decisive significance to be given (in the assessment of previous activity) to the fact that the person has authority based on share ownership in the company; or to the amount of income he obtains from agriculture; or to whether his activity in the company can be differentiated functionally and economically as an independent production unit? Or is being head of a holding to be assessed as a whole, taking into account (in addition to the above-mentioned factors) the person's position in the company, and whether he in fact bears the risk pertaining to entrepreneurial activity?
2. When assessing the significance of previous activity when aid is being granted on the basis of other activity, is 'being head of a holding' to be interpreted in the same way in the case of previous activity and in that of the activity which forms the basis of the aid application? Does refusal of setting up aid for young farmers as referred to in Article 22 of the Council Regulation on the basis of activity previously engaged in require that the previous activity would be activity which, in principle, would be eligible for aid under the currently valid provisions?