with binding effect on a railway undertaking whose compensation terms do not conform to the criteria laid down in Article 17 of that regulation, the specific content of the compensation scheme to be used by that railway undertaking although national law permits that body only to declare such compensation terms null and void?

2. Is Article 17 of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, OJ 2007 L 315, p. 14, to be interpreted as meaning that a railway undertaking may exclude its obligation to pay compensation of the ticket price in cases of force majeure, either through application by analogy of the grounds for exclusion provided for in Regulations (EC) No 261/2004, (EU) No 1177/2010 and (EU) No 181/2011 or by taking into account the exclusions from liability provided for in Article 32(2) of the Uniform Rules concerning the contract for international carriage of passengers and luggage by rail (CIV, Annex I to the Regulation) also for cases of compensation for the ticket price?

Reference for a preliminary ruling from the Verwaltungsgericht Hannover (Germany) lodged on 13 October 2011 — Laurence Prinz v Region Hannover

(Case C-523/11)

(2012/C 13/09)

Language of the case: German

Referring court

Verwaltungsgericht Hannover

Parties to the main proceedings

Applicant: Laurence Prinz

Defendant: Region Hannover

Question referred

Does it constitute a restriction of the right to freedom of movement and residence conferred on citizens of the European Union by Articles 20 and 21 TFEU, which is not justified under Community law, if pursuant to the Bundesausbildungsförderungsgesetz, a German national, who has her permanent residence in Germany and attends an education establishment in a Member State of the European Union, is only awarded an education grant for attending that education establishment abroad for one year because when she commenced her stay abroad she had not already had her permanent residence in Germany for at least three years?

Reference for a preliminary ruling from the Landgericht Hamburg (Germany) lodged on 20 October 2011 — Novartis Pharma GmbH v Apozyt GmbH

(Case C-535/11)

(2012/C 13/10)

Language of the case: German

Referring court

Landgericht Hamburg

Parties to the main proceedings

Claimant: Novartis Pharma GmbH

Defendant: Apozyt GmbH

Question referred

Does the term 'developed' in the introductory sentence of the Annex to Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency [1] extend to processes in which portions only of a medicinal product which has been developed and produced on a ready-to-use basis in accordance with the above procedures are drawn off into another container, after being prescribed and ordered at the time concerned by a doctor, if as a result of the process the composition of the medicinal product is not modified, and therefore in particular to the production of pre-filled syringes which have been filled with a medicinal product which is authorised under the regulation?

[1] OJ 2004 L 136, p. 1.

Reference for a preliminary ruling from the Oberlandesgericht Wien (Austria) lodged on 20 October 2011 — Bundeswettbewerbsbehörde v Donau Chemie AG and Others

(Case C-536/11)

(2012/C 13/11)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Applicant: Bundeswettbewerbsbehörde

Defendants: Donau Chemie AG, Donauchem GmbH, DC Druck-Chemie Süd GmbH & Co KG, Brenntag Austria Holding GmbH, Brenntag CEE GmbH, Ashland-Südchemie-Kernfest GmbH, Ashland Südchemie Hantos GmbH.

Other parties to the proceedings: Bundeskartellanwalt, Verband Druck & Medientechnik

Questions referred

1. Does European Union law, in particular in the light of the judgment of the Court of Justice of 14 June 2011 in Case C-360/09 *Pfleiderer*, preclude a provision of national antitrust law which, (inter alia) in proceedings involving the application of Article 101 or Article 102 TFEU in conjunction with Regulation 1/2003/EC, ([1]) makes the grant of access to documents before the cartel court to third persons who are not parties to the proceedings, so as to enable them to prepare actions for damages against cartel participants, subject, without exception, to the condition that all the parties to the proceedings must give their consent, and which does not allow the court to weigh on a case-by-case basis the interests protected by European Union law with a view to determining the conditions under which access to the file is to be permitted or refused?

If the answer to Question 1 is in the negative:

2. Does European Union law preclude such a national provision where, although the latter applies in the same way to purely national antitrust proceedings and, moreover, does not contain any special rules in respect of documents made available by applicants for leniency, comparable national provisions applicable to other types of proceedings, in particular contentious and non-contentious civil and criminal proceedings, allow access to documents before the court even without the consent of the parties, provided that the third person who is not party to the proceedings adduces prima facie evidence to show that he has a legal interest in obtaining access to the file and that such access is not precluded in the case in question by the overriding interests of another person or overriding public interests?

([1]) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

Reference for a preliminary ruling from the Højesteret (Denmark) lodged on 26 October 2011 — Dansk Jurist- og Økonomforbund (DJØF — Danish Union of jurists and economists) acting on behalf of Erik Toftgaard v Indenrigs- og Sundhedsministeriet

(Case C-546/11)

(2012/C 13/12)

Language of the case: Danish

Referring court

Højesteret

Parties to the main proceedings

Applicant: Dansk Jurist- og Økonomforbund (DJØF — Danish Union of jurists and economists) acting on behalf of Erik Toftgaard

Defendant: Indenrigs- og Sundhedsministeriet

Questions referred

1. Is Article 6(2) of the Employment Directive ([1]) to be interpreted as meaning that Member States may provide only that the fixing of age limits for access or entitlement to benefits under occupational social security schemes does not constitute discrimination in so far as those social security schemes relate to retirement or invalidity benefits?

2. Is Article 6(2) to be interpreted as meaning that the possibility of fixing age limits concerns only access to the scheme, or is the provision to be interpreted as meaning that the possibility of fixing age limits also concerns entitlement to the payment of benefits under the scheme?

3. If question 1 is answered in the negative:

   Can the expression 'occupational social security schemes' in Article 6(2) include a scheme such as the 'rådighedsløn' (availability pay) as referred to in section 32(1) of the Danish Law on Civil Servants (Tjenestemandslov), under which a civil servant may, as special protection in the event of redundancy due to the abolition of his post, retain his current salary for three years and continue to be credited for years of pensionable service, provided he remains available for assignment to another suitable post?

4. Is Article 6(1) of the Employment Directive to be interpreted as meaning that it does not preclude a national provision such as section 32(4)(2) of the Tjenestemandslov, under which an availability salary is not paid to a civil servant who has reached the age at which the State retirement pension becomes payable, if his job has been abolished?

([1]) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

Action brought on 28 October 2011 — European Commission v Italian Republic

(Case C-547/11)

(2012/C 13/13)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: B. Stromsky and D. Grespan, Agents)

Defendant: Italian Republic