

Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 21 November 2011 — Tarragona Power S.L. v Gas Natural SDG, S.A., Spanish State, Hidroeléctrica del Cantábrico, S.A. and Endesa, S.A.

(Case C-580/11)

(2012/C 39/17)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Appellant: Tarragona Power S.L.

Other parties: Gas Natural SDG, S.A., Spanish State, Hidroeléctrica del Cantábrico, S.A. and Endesa, S.A.

Question referred

May Article 10 of Directive 2003/87/EC ⁽¹⁾ of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC be interpreted as not preventing application of national legislative measures of the kind under review in these proceedings, the purpose and effect of which are to reduce remuneration for the activity of electricity production by an amount equivalent to the value of the greenhouse gas emission allowances allocated free of charge during the relevant period?

⁽¹⁾ OJ 2003 L 275, p. 32.

Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 25 November 2011 — Gas Natural SDG, S.A., Bizcaia Energia, SL v Spanish State, Endesa, S.A., Hidroeléctrica del Cantábrico, S.A. and Iberdrola, S.A.

(Case C-591/11)

(2012/C 39/18)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Appellants: Gas Natural SDG, S.A., Bizcaia Energia, SL

Other parties: Spanish State, Endesa, S.A., Hidroeléctrica del Cantábrico, S.A. and Iberdrola, S.A.

Question referred

May Article 10 of Directive 2003/87/EC ⁽¹⁾ of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC be

interpreted as not preventing application of national legislative measures of the kind under review in these proceedings, the purpose and effect of which are to reduce remuneration for the activity of electricity production by an amount equivalent to the value of the greenhouse gas emission allowances allocated free of charge during the relevant period?

⁽¹⁾ OJ 2003 L 275, p. 32.

Reference for a preliminary ruling from the Juridiction de Proximité de Chartres (France) lodged on 25 November 2011 — Hervé Fontaine v Mutuelle Générale de l'Education Nationale

(Case C-603/11)

(2012/C 39/19)

Language of the case: French

Referring court

Juridiction de Proximité de Chartres

Parties to the main proceedings

Applicant: Hervé Fontaine

Defendant: Mutuelle Générale de l'Education Nationale

Question referred

Do Articles 101 and 102 of the Treaty on the Functioning of the European Union — signed at Lisbon on 13 December 2007 and which entered into force in France on 1 December 2009 — preclude national legislation such as that arising from Article L 112-1 of the French Code de la Mutualité (the Code governing mutual companies), in so far as the interpretation of that legislation would prohibit mutual companies providing supplementary health insurance from varying their benefits according to the conditions for issuing certificates and the services provided, whereas such a restriction is not imposed on other companies also providing supplementary health insurance whether governed by the Code des Assurances (the Insurance Code) or the Code de la Sécurité Sociale (the Social Security Code)?

Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 2 December 2011 — Bahía de Bizcaia Electricidad, S.L. v Gas Natural SDG, S.A., Endesa, S.A., Hidroeléctrica del Cantábrico, S.A. and Spanish State

(Case C-620/11)

(2012/C 39/20)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Appellant: Bahía de Bizcaia Electricidad, S.L.

Other parties: Gas Natural SDG, S.A., Endesa, S.A., Hidroeléctrica del Cantábrico, S.A. and Spanish State

Question referred

May Article 10 of Directive 2003/87/EC⁽¹⁾ of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC be interpreted as not preventing application of national legislative measures of the kind under review in these proceedings, the purpose and effect of which are to reduce remuneration for the activity of electricity production by an amount equivalent to the value of the greenhouse gas emission allowances allocated free of charge during the relevant period?

⁽¹⁾ OJ 2003 L 275, p. 32.

Reference for a preliminary ruling from the Conseil d'Etat (France) lodged on 5 December 2011 — Société Geodis Calberson GE v FranceAgriMer

(Case C-623/11)

(2012/C 39/21)

Language of the case: French

Referring court

Conseil d'Etat

Parties to the main proceedings

Appellant: Société Geodis Calberson GE

Respondent: FranceAgriMer

Question referred

The proceedings are stayed ... until the Court of Justice of the European Union shall have given its ruling on the question whether the provisions of Article 16 of Commission Regulation (EC) No 111/1999⁽¹⁾ of 18 January 1999 are to be interpreted as conferring on the Court of Justice of the European Union jurisdiction to rule on disputes relating to the conditions under which the intervention agency designated for receiving the tenders submitted during a tendering procedure for the free

supply of agricultural products to Russia makes the payment owed to the successful tenderer and releases the supply security lodged by that tenderer in favour of that agency, in particular, actions for compensation for damage suffered as a result of misconduct by the intervention agency while carrying out those transactions.

⁽¹⁾ Commission Regulation (EC) No 111/1999 of 18 January 1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation (OJ 1999 L 14, p. 3).

Summary for the Appeal brought on 6 December 2011 by Polyelectrolyte Producers Group, SNF SAS against the order of the General Court (Seventh Chamber, Extended Composition) delivered on 21 September 2011 in Case T-1/10: Polyelectrolyte Producers Group, SNF SAS v European Chemicals Agency (ECHA), European Commission, Kingdom of the Netherlands

(Case C-626/11 P)

(2012/C 39/22)

Language of the case: English

Parties

Appellants: Polyelectrolyte Producers Group, SNF SAS (represented by: K. Van Maldegem, avocat, R. Cana, avocat)

Other parties to the proceedings: European Chemicals Agency (ECHA), European Commission, Kingdom of the Netherlands

Form of order sought

The applicants claim that the Court should:

- set aside the Order of the General Court in Case T-1/10; and
- annul the decision of the European Chemicals Agency ('ECHA') to identify acrylamide as a substance meeting the criteria set out in Article 57 of Regulation (EC) No 1907/2006⁽¹⁾ concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals in accordance with Article 59 of Regulation 1907/2006; or
- alternatively, refer the case back to the General Court to rule on the Appellants' Application for annulment; and
- order the Respondent to pay all the costs of these proceedings (including the costs before the General Court).