

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 28 April 2015 — European Commission v Council of the European Union

(Case C-28/12) ⁽¹⁾

(Action for annulment — Mixed international agreements — Decision authorising the signing of those agreements and providing for their provisional application — Decision of the Council and of the Representatives of the Governments of the Member States meeting within the Council — Autonomy of the EU legal order — Participation of the Member States in the procedure and decision provided for in Article 218 TFEU — Voting arrangements within the Council)

(2015/C 213/05)

Language of the case: English

Parties

Applicant: European Commission (represented by: G. Valero Jordana, K. Simonsson and S. Bartelt, acting as Agents)

Intervener in support of the applicant: European Parliament (represented by: R. Passos and A. Auersperger Matić, acting as Agents)

Defendant: Council of the European Union (represented by: M.-M. Joséphidès, E. Karlsson, F. Naert and R. Szostak, acting as Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek and E. Ruffer, acting as Agents), Kingdom of Denmark (represented by: U. Melgaard and L. Volck Madsen, acting as Agents), Federal Republic of Germany (represented by: T. Henze, N. Graf Vitzthum and B. Beutler, acting as Agents), Hellenic Republic (represented by: A. Samoni-Rantou and S. Khala, acting as Agents), French Republic (represented by: G. de Bergues, F. Fize, D. Colas and N. Rouam, acting as Agents), Italian Republic (represented by: G. Palmieri, acting as Agent, and P. Gentili, avvocato dello Stato), Kingdom of the Netherlands (represented by: C. Wissels and J. Langer, acting as Agents), Republic of Poland (represented by: B. Majczyna and M. Szpunar, acting as Agents), Portuguese Republic (represented by: L. Inez Fernandes and M.-L. Duarte, acting as Agents), Republic of Finland (represented by: J. Heliskoski, acting as Agent), Kingdom of Sweden (represented by: A. Falk, acting as Agent), United Kingdom of Great Britain and Northern Ireland (represented by: C. Murrell and L. Christie, acting as Agents, and R. Palmer, Barrister)

Operative part of the judgment

The Court:

1. Annuls Decision 2011/708/EU of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council, of 16 June 2011, on the signing, on behalf of the Union, and provisional application of the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part; and on the signing, on behalf of the Union, and provisional application of the Ancillary Agreement between the European Union and its Member States, of the first part, Iceland, of the second part, and the Kingdom of Norway, of the third part, on the application of the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part;

2. Maintains the effects of Decision 2011/708 until the entry into force, within a reasonable period from the delivery of the present judgment, of a new decision that is to be adopted by the Council of the European Union pursuant to Article 218(5) and (8) TFEU;
3. Orders the Council of the European Union to pay the costs;
4. Orders the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland and the European Parliament to bear their own costs.

⁽¹⁾ OJ C 73, 10.3.2012.

**Judgment of the Court (Fifth Chamber) of 29 April 2015 (request for a preliminary ruling from the
Rechtbank te Rotterdam — Netherlands) — Nationale-Nederlanden Levensverzekering Mij NV v
Hubertus Wilhelmus Van Leeuwen**

(Case C-51/13) ⁽¹⁾

**(Reference for a preliminary ruling — Direct life assurance — Directive 92/96/EEC — Article 31(3) —
Information to be provided to the policyholder — Obligation for the insurer to provide further information
on costs and premiums under general unwritten rules of national law)**

(2015/C 213/06)

Language of the case: Dutch

Referring court

Rechtbank te Rotterdam

Parties to the main proceedings

Applicant: Nationale-Nederlanden Levensverzekering Mij NV

Defendant: Hubertus Wilhelmus Van Leeuwen

Operative part of the judgment

1. Article 31(3) of Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance directive) must be interpreted as not precluding an insurance company, on the basis of general principles of domestic law such as the 'open and/or unwritten rules' at issue in the main proceedings, from being required to send to policyholders certain information additional to that listed in Annex II to that directive, provided that the information required is clear, accurate and necessary for the policyholder to understand the essential characteristics of the commitment and that it ensures a sufficient level of legal certainty, which it is for the referring court to ascertain;
2. The consequences under domestic law of a failure to provide that information are, in principle, irrelevant as regards the conformity of the obligation to provide information with Article 31(3) of Directive 92/96.

⁽¹⁾ OJ C 141, 18.5.2013.