

Operative part of the judgment

The Court:

1. Dismisses the appeal and the cross-appeal;
2. Orders Alliance One International Inc. to pay the costs of the appeal;
3. Orders the European Commission to pay the costs of the cross-appeal.

(¹) OJ C 73, 10.3.2012.

Judgment of the Court (Fourth Chamber) of 19 September 2013 (request for a preliminary ruling from the Juzgado de lo Social nº 1 de Lleida — Spain) — Marc Betriu Montull v Instituto Nacional de la Seguridad Social (INSS)

(Case C-5/12) (¹)

(Social policy — Directive 92/85/EEC — Protection of the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding — Article 8 — Maternity leave — Directive 76/207/EEC — Equal treatment for male and female workers — Article 2(1) and (3) — Right to leave for employed mothers after the birth of a child — Possible use by an employed mother or an employed father — Non-employed mother who is not covered by a State social security scheme — No right to leave for employed father — Biological father and adoptive father — Principle of equal treatment)

(2013/C 344/31)

Language of the case: Spanish

Referring court

Juzgado de lo Social nº 1 de Lleida

Parties to the main proceedings

Applicant: Marc Betriu Montull

Defendant: Instituto Nacional de la Seguridad Social (INSS)

Re:

Request for a preliminary ruling — Juzgado de lo Social de Lleida — Interpretation of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working

conditions (OJ 1976 L 39, p. 40) and of Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (OJ 1996 L 145, p. 4) — National legislation granting six weeks of breastfeeding leave to mothers after giving birth — Right to leave of employed fathers — Conditions — National legislation providing for the right of employed fathers who adopt a child, but not those who have a child by birth, to suspend their contract of employment and to return to the same job, paid for by the social security system — Infringement of the principle of equal treatment

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Council Directives 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions must be interpreted as not precluding a national measure, such as that at issue in the main proceedings, which provides that the father of a child, who is an employed person, is entitled, with the consent of the mother, who is also an employed person, to take maternity leave for the period following the compulsory leave of six weeks which the mother must take after childbirth except where her health would be at risk, whereas a father of a child who is an employed person is not entitled to take such leave where the mother of his child is not an employed person and is not covered by a State social security scheme.

(¹) OJ C 98, 31.03.2012.

Judgment of the Court (First Chamber) of 3 October 2013 (request for a preliminary ruling from the Juzgado de Primera Instancia nº 2 of Badajoz — Spain) — Soledad Duarte Hueros v Autocíba SA, Automóviles Citroën España SA

(Case C-32/12) (¹)

(Directive 1999/44/EC — Rights of the consumer in the event of lack of conformity in a product — Minor nature of that lack of conformity — Rescission of the contract not possible — Powers of the national courts)

(2013/C 344/32)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia nº 2 of Badajoz

Parties to the main proceedings

Applicant: Soledad Duarte Hueros

Defendants: Autociba SA, Automóviles Citroën España SA

Re:

Request for a preliminary ruling — Juzgado de Primera Instancia — Badajoz — Interpretation of Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ 1999 L 171, p. 12) — Rights of the consumer — Product with a minor lack of conformity — No repair of that product — Application for rescission of the sale — Not permissible — No alternative claim seeking an appropriate reduction in the price — Whether a national court can consider of its own motion an appropriate reduction in the price.

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Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which does not allow the national court hearing the dispute to grant of its own motion an appropriate reduction in the price of goods which are the subject of a contract of sale in the case where a consumer who is entitled to such a reduction brings proceedings which are limited to seeking only rescission of that contract and such rescission cannot be granted because the lack of conformity in those goods is minor, even though that consumer is not entitled to refine his initial application or to bring a fresh action to that end.

⁽¹⁾ OJ C 98, 31.3.2012.

Judgment of the Court (Fourth Chamber) of 19 September 2013 — European Federation of Ink and Ink Cartridge Manufacturers (EFIM) v European Commission, Lexmark International Technology SA

(Case C-56/12 P) ⁽¹⁾

(Appeal — Competition — Abuse of dominant position — Ink cartridge market — Decision rejecting a complaint — Lack of Community interest — Low probability of proving the existence of an infringement of Article 82 EC — Degree of seriousness of the infringement alleged)

(2013/C 344/33)

Language of the case: German

Parties

Appellant: European Federation of Ink and Ink Cartridge Manufacturers (EFIM) (represented by: D. Ehle, Rechtsanwalt)

Other parties to the proceedings: European Commission (represented by: A. Antoniadis and C. Hödlmayr, acting as Agents, and W. Berg, Rechtsanwalt), Lexmark International Technology SA

Re:

Appeal brought against the judgment of the General Court (Fifth Chamber) of 24 November 2011 in Case T-296/09 *EFIM v Commission* by which the General Court dismissed an application for annulment of Commission Decision C(2009) 4125 of 20 May 2009 rejecting complaint COMP/C-3/39.391 concerning alleged infringements of Articles 81 EC and 82 EC by Hewlett-Packard, Lexmark, Canon and Epson in the market for ink cartridges — Powers of the Commission — Obligations regarding the investigation of complaints — No Community interest — Proportionality — Failure to state reasons — Infringement of the rights of the defence — Commission Notice on the handling of complaints

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders European Federation of Ink and Ink Cartridge Manufacturers (EFIM) to pay the costs.

⁽¹⁾ OJ C 118, 21.4.2012.

Judgment of the Court (First Chamber) of 3 October 2013 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — BKK Mobil Oil Körperschaft des öffentlichen Rechts v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV

(Case C-59/12) ⁽¹⁾

(Directive 2005/29/EC — Unfair commercial practices — Scope — Misleading information circulated by a health insurance fund which is part of the statutory social security system — Fund established as a public law body)

(2013/C 344/34)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: BKK Mobil Oil Körperschaft des öffentlichen Rechts

Defendant: Zentrale zur Bekämpfung unlauteren Wettbewerbs eV