

Judgment of the Court (Third Chamber) of 24 October 2013 (request for a preliminary ruling from the Verwaltungsgericht Hannover — Germany) — Andreas Ingemar Thiele Meneses v Region Hannover

(Case C-220/12) ⁽¹⁾

(Citizenship of the Union — Articles 20 TFEU and 21 TFEU — Right of free movement and residence — National of a Member State — Studies pursued in another Member State — Education or training grant — Permanent residence requirement — Place of education or training located in the applicant's State of residence or in a neighbouring State — Limited exception — Applicant's specific circumstances)

(2013/C 367/24)

Language of the case: German

Referring court

Verwaltungsgericht Hannover

Parties to the main proceedings

Applicant: Andreas Ingemar Thiele Meneses

Defendant: Region Hannover

Re:

Request for a preliminary ruling — Verwaltungsgericht Hannover — Interpretation of Articles 20 and 21 TFEU — Education or training grant ('BAföG') — Member State's legislation making its award subject to the condition that its nationals who are resident abroad show 'special circumstances' and restricting the place of education or training to the Member State of residence or a neighbouring State

Operative part of the judgment

Articles 20 TFEU and 21 TFEU must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which, as a rule, makes the award of an education or training grant for studies pursued in another Member State subject to the sole condition of having established a permanent residence, within the meaning of that legislation, on national territory and which, in a case where the applicant is a national of that State with no permanent residence within that State, provides for a grant for education or training abroad only in the applicant's State of residence or in a neighbouring State thereof and only where specific circumstances justify such a grant.

⁽¹⁾ OJ C 287, 22.9.2012.

Judgment of the Court (Sixth Chamber) of 17 October 2013 — European Commission v Hellenic Republic

(Case C-263/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid — Commission Decision ordering recovery of aid — Failure to comply with a Commission Decision)

(2013/C 367/25)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia and B. Stromsky, acting as Agents)

Defendant: Hellenic Republic (represented by: P. Mylonopoulos, K. Boskovits, G. Kanellopoulos and M. Karageorgou, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 2, 3 and 4 of Commission Decision 2011/452/EU of 23 February 2011 on the State aid C 48/08 (ex NN 61/08) implemented by Greece in favour of Ellinikos Khrisos A.E. (notified under document C(2011) 1006) (OJ 2011 L 193, p. 27) — Failure to take all the measures necessary for the recovery of aid which has been found to be unlawful and incompatible with the common market

Operative part of the judgment

The Court:

1. Declares that, by not adopting within the prescribed period all the measures necessary to recover from Ellinikos Khrisos A.E. the aid granted to that undertaking on the sale, by the Greek State, of immovable property, aid declared to be unlawful and incompatible with the common market by Commission Decision C(2011) 1006 final of 23 February 2011 on the State aid C 48/08 (ex NN 61/08) implemented by Greece in favour of Ellinikos Khrisos A.E., the Hellenic Republic has failed to fulfil its obligations under Articles 2 and 3 of that decision.
2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 217, 21.7.2012.