

Member State addressed to another Member State, in particular in order to verify the information provided by that taxpayer in his income tax return, or the right to take part in formulating the request addressed to the requested Member State, or the right to take part in examinations of witnesses organised by the requested Member State.

2. Directive 77/799, as amended by Directive 2006/98, does not govern the question of the circumstances in which the taxpayer may challenge the accuracy of the information conveyed by the requested Member State, and it does not impose any particular obligation with regard to the content of the information conveyed.

⁽¹⁾ OJ C 273, 8.9.2012.

Judgment of the Court (Second Chamber) of 24 October 2013 (request for a preliminary ruling from the Augstākās tiesas Senāts (Latvia)) — Vitālijs Drozdovs v AAS ‘Baltikums’

(Case C-277/12) ⁽¹⁾

(Compulsory insurance against civil liability in respect of the use of motor vehicles — Directive 72/166/EEC — Article 3(1) — Directive 90/232/EEC — Article 1 — Road traffic accident — Death of the parents of the applicant, who is a minor — Right to compensation of the child — Non-material damage — Compensation — Cover by compulsory insurance)

(2013/C 367/28)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāts

Parties to the main proceedings

Applicant: Vitālijs Drozdovs

Defendant: AAS ‘Baltikums’

Re:

Request for a preliminary ruling — Augstākās tiesas Senāts — Interpretation of Article 3 of Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability (OJ 1972 L 103, p. 1) and of Article 1(2) of Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1984 L 8, p. 17) — Insurance against civil liability in respect of the use of motor vehicles — Determination of damages which must be covered by the civil liability insurance — Possibility to include non-material damage in the compulsory protection for personal

injuries — National legislation providing for an amount of compensation for psychological pain and suffering which is significantly lower than the amount laid down in the directives for compensation for personal injuries

Operative part of the judgment

1. Article 3(1) of Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability and Article 1(1) and (2) of Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles must be interpreted as meaning that compulsory insurance against civil liability in respect of the use of motor vehicles must cover compensation for non-material damage suffered by the next of kin of the deceased victims of a road traffic accident, in so far as such compensation is provided for as part of the civil liability of the insured party under the national law applicable in the dispute in the main proceedings.

2. Article 3(1) of Directive 72/166 and Article 1(1) and (2) of Second Directive 84/5 must be interpreted as precluding national provisions, pursuant to which compulsory insurance against civil liability in respect of the use of motor vehicles covers compensation for non-material damage resulting from the death of a person's next of kin in a road traffic accident — payable in accordance with national civil liability law — only to a maximum amount which is lower than the minimum amounts laid down in Article 1(2) of Second Directive 84/5.

⁽¹⁾ OJ C 235, 4.8.2012.

Judgment of the Court (Fourth Chamber) of 17 October 2013 (request for a preliminary ruling from the Verwaltungsgericht Gelsenkirchen (Germany)) — Michael Schwarz v Stadt Bochum

(Case C-291/12) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Biometric passport — Fingerprints — Regulation (EC) No 2252/2004 — Article 1(2) — Validity — Legal basis — Procedure for adopting — Articles 7 and 8 of the Charter of Fundamental Rights of the European Union — Right to respect for private life — Right to the protection of personal data — Proportionality)

(2013/C 367/29)

Language of the case: German

Referring court

Verwaltungsgericht Gelsenkirchen

Parties to the main proceedings

Applicant: Michael Schwarz

Defendant: Stadt Bochum

Re:

Request for a preliminary ruling — Verwaltungsgericht Gelsenkirchen — Validity of Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 6 May 2009 (OJ 2009 L 142, p. 1), as amended (OJ 2009 L 188, p. 127), in the light of Article 8 of the Charter of Fundamental Rights and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms — Right of a person to be issued with a passport without his fingerprints being taken

Operative part of the judgment

Examination of the question referred has revealed nothing capable of affecting the validity of Article 1(2) of Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 6 May 2009.

⁽¹⁾ OJ C 273, 8.9.2012.

Judgment of the Court (Eighth Chamber) of 17 October 2013 — European Commission v Italian Republic

(Case C-344/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid — Aid granted by the Italian Republic for the benefit of Alcoa Trasformazioni — Commission Decision 2010/460/EC declaring that aid to be incompatible and ordering its recovery — Failure to implement within the prescribed period)

(2013/C 367/30)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: G. Conte and D. Grespan, acting as Agents)

Defendant: Italian Republic (represented by: G. Palmieri, acting as Agent, and C. Gerardis, avvocato dello Stato)

Re:

Failure of a Member State to fulfil obligations — Failure to have adopted the necessary measures to comply with Articles 2, 3 and 4 of Commission Decision C(2009) 8112 final of 19 November 2009, concerning State aids C 38/A/2004 (ex NN 58/2004) and C 36/B/2006 (ex NN 38/2006), implemented by the Italian Republic for Alcoa Trasformazioni srl, and infringement of Article 288 TFEU

Operative part of the judgment

The Court:

1. Declares that, by not adopting within the prescribed period all the measures necessary to recover from the beneficiary of the State aid declared to be unlawful and incompatible with the common market under Article 1 of Commission Decision 2010/460/EC of 19 November 2009 concerning State aids Nos C 38/A/2004 (ex NN 58/2004) and C 36/B/2006 (ex NN 38/2006) implemented by Italy for Alcoa Trasformazioni, the Italian Republic has failed to fulfil its obligations under Articles 2, 3 and 4 of that decision
2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 287, 22.9.2012

Judgment of the Court (Third Chamber) of 17 October 2013 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — RLvS Verlagsgesellschaft mbH v Stuttgarter Wochenblatt GmbH

(Case C-391/12) ⁽¹⁾

(Directive 2005/29/EC — Unfair commercial practices — Scope ratione personae — Misleading omissions in advertisements — Legislation of a Member State prohibiting any publication for remuneration not identified by the term ‘advertisement’ (‘Anzeige’) — Complete harmonisation — Stricter measures — Freedom of the press)

(2013/C 367/31)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: RLvS Verlagsgesellschaft mbH

Defendant: Stuttgarter Wochenblatt GmbH

Re:

Request for a preliminary ruling — Bundesgerichtshof — Interpretation of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (OJ 2005 L 149, p. 22), and in particular Articles 3(5), 4 and 7(2) thereof and point 11 of Annex I thereto — Misleading omissions in editorial-style advertising — Legislation of a Member State prohibiting a publication for remuneration which does not mention that it is an ‘advertisement’ (‘Anzeige’)