

Judgment of the Court (Fifth Chamber) of 4 September 2014 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Schiebel Aircraft GmbH v Bundesminister für Wirtschaft, Familie und Jugend

(Case C-474/12) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of establishment — Freedom of movement for workers — Non-discrimination — Article 346(1)(b) TFEU — Protection of a Member State's essential security interests — Legislation of a Member State under which the statutory representatives of a business engaged within the national territory in the trading of arms, munitions and war material must hold the nationality of that Member State)

(2014/C 395/06)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Schiebel Aircraft GmbH

Defendant: Bundesminister für Wirtschaft, Familie und Jugend

Operative part of the judgment

Articles 45 TFEU and 49 TFEU must be interpreted as precluding legislation of a Member State such as that at issue in the main proceedings, under which, in the case of businesses wishing to trade in military weapons and munitions and broker the sale and purchase of such goods, members of their statutory representation bodies, or their managing partner, must hold the nationality of that Member State. It is for the national court, however, to verify whether the Member State which, in order to justify that legislation, relies on the derogation allowed under Article 346(1)(b) TFEU is able to show that such derogation is necessary in order to protect its essential security interests.

⁽¹⁾ OJ C 26, 26.1.2013.

Judgment of the Court (Fifth Chamber) of 4 September 2014 — Société nationale maritime Corse-Méditerranée (SNCM) SA v Corsica Ferries France SAS, European Commission, French Republic (C-533/12 P), French Republic v Corsica Ferries France SAS, European Commission, Société nationale maritime Corse-Méditerranée (SNCM) SA (C-536/12 P)

(Joined Cases C-533/12 P and C-536/12 P) ⁽¹⁾

(Appeals — Restructuring aid — European Commission's margin of assessment — Scope of review by the General Court of the European Union — Market economy private investor test — Requirement for a sectoral and geographical analysis — Sufficiently well-established practice — Long-term economic rationale — Making of additional redundancy payments)

(2014/C 395/07)

Language of the case: French

Parties

(Case C-533/12 P)

Appellant: Société nationale maritime Corse-Méditerranée (SNCM) SA (represented by: A. Winckler and F.-C. Laprèvote, avocats)

Other parties to the proceedings: Corsica Ferries France SAS (represented by: S. Rodrigues and C. Bernard-Glanz, avocats), European Commission, French Republic (represented by: G. de Bergues, N. Rouam and J. Rossi, acting as Agents)

(Case C-536/12 P)

Appellant: French Republic (represented by: G. de Bergues, D. Colas, N. Rouam and J. Rossi, acting as Agents)

Other parties to the proceedings: Corsica Ferries France SAS (represented by: S. Rodrigues and C. Bernard-Glanz, avocats), European Commission, Société nationale maritime Corse-Méditerranée (SNCM) SA (represented by: A. Winckler and F.-C. Laprévote, avocats)

Operative part of the judgment

The Court:

- 1) *Dismisses the appeals;*
- 2) *Orders Société nationale maritime Corse-Méditerranée (SNCM) SA and the French Republic to bear their own costs and to pay those incurred by Corsica Ferries France SAS in equal shares.*

⁽¹⁾ OJ C 32, 2.2.2013.

Judgment of the Court (First Chamber) of 4 September 2014 (request for a preliminary ruling from the Najvyšší súd Slovenskej republiky — Slovakia) — Michal Zeman v Krajské riaditeľstvo Policajného zboru v Žiline

(Case C-543/12) ⁽¹⁾

(Reference for a preliminary ruling — Directive 91/477/EEC — Issuing of the European firearms pass — National legislation according to which that pass is issued only to holders of a firearms licence issued for hunting or target shooting use)

(2014/C 395/08)

Language of the case: Slovak

Referring court

Najvyšší súd Slovenskej republiky

Parties to the main proceedings

Applicant: Michal Zeman

Defendant: Krajské riaditeľstvo Policajného zboru v Žiline

Operative part of the judgment

Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons, as amended by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008, must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which authorises the issue of a European firearms pass only to holders of weapons used for hunting and target shooting purposes.

⁽¹⁾ OJ C 63, 2.3.2013.