

(c) the passengers concerned have made known to the air carriers whether or not they wish to receive that compensation?

(d) the defendant has not chosen the instrument of an order for coercive administrative action (where, in the case of the air carriers' non compliance with the order, the defendant himself pays the passengers out at the air carriers' expense), but rather, the instrument of an order for periodic penalty payments (where, in the case of non compliance with the order, the air carriers are liable to the defendant for an amount equal to the total compensation payable, which amount accrues to public funds)?

(¹) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1).

(²) The Convention concluded on 28 May 1999 in Montreal for the unification of certain rules for international carriage by air, signed by the European Community on 9 December 1999 and approved on its behalf by Council Decision 2001/539/EC of 5 April 2001 (OJ 2001 L 194, p. 38).

Reference for a preliminary ruling from the Cour de cassation (France) lodged on 30 May 2012 — Frédéric Hay v Crédit agricole mutuel de Charente-Maritime et des Deux-Sèvres

(Case C-267/12)

(2012/C 250/15)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Frédéric Hay

Defendant: Crédit agricole mutuel de Charente-Maritime et des Deux-Sèvres

Question referred

Must Article 2(2)(b) of Council Directive 2000/78/EC (¹) of 27 November 2000 be interpreted as meaning that the choice of the national legislature to allow only persons of different sexes to marry can constitute a legitimate, appropriate and necessary aim such as to justify indirect discrimination resulting from the fact that a collective agreement which reserves an advantage in respect of pay and working conditions to employees who

marry, thereby necessarily excluding from the benefit of that advantage same-sex partners who have entered into a civil solidarity pact?

(¹) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

Reference for a preliminary ruling from the Verwaltungsgericht Hannover (Germany) lodged on 4 June 2012 — Samantha Elrick v Bezirksregierung Köln

(Case C-275/12)

(2012/C 250/16)

Language of the case: German

Referring court

Verwaltungsgericht Hannover

Parties to the main proceedings

Applicant: Samantha Elrick

Defendant: Bezirksregierung Köln

Question referred

Do Articles 20 and 21 TFEU preclude a rule of national law according to which a German national who has her permanent residence in Germany and attends an educational establishment in a Member State of the European Union is refused a study grant under the Bundesausbildungsförderungsgesetz (BAföG) in respect of her attendance at that foreign educational establishment because the educational course attended abroad is of only one year's duration, whereas she could have received a study grant under the BAföG for comparable studies in Germany, which would also have lasted for one year?

Reference for a preliminary ruling from Upper Tribunal (United Kingdom) made on 4 June 2012 — Fish Legal, Emily Shirley v The Information Commissioner, United Utilities, Yorkshire Water and Southern Water

(Case C-279/12)

(2012/C 250/17)

Language of the case: English

Referring court

Upper Tribunal