

Judgment of the Court (Second Chamber) of 13 November 2014 (request for a preliminary ruling from the Juzgado Contencioso-Administrativo No 4 de Oviedo — Spain) — Mario Vital Pérez v Ayuntamiento de Oviedo

(Case C-416/13) ⁽¹⁾

(References for a preliminary ruling — Social policy — Equal treatment in employment and occupation — Charter of Fundamental Rights of the European Union — Article 21 — Directive 2000/78/EC — Articles 2(2), 4(1) and 6(1) — Discrimination on grounds of age — National provision — Condition of recruitment of local police officers — Fixing of a maximum age of 30 — Justification)

(2015/C 016/07)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo No 4 de Oviedo

Parties to the main proceedings

Applicant: Mario Vital Pérez

Defendant: Ayuntamiento de Oviedo

Operative part of the judgment

Articles 2(2), 4(1) and 6(1)(c) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which sets the maximum age for recruitment of local police officers at 30 years.

⁽¹⁾ OJ C 325, 9.11.2013.

Judgment of the Court (Fourth Chamber) of 13 November 2014 (request for a preliminary ruling from the Unabhängiger Verwaltungssenat in Tirol — Austria) — Ute Reindl, representative of MPREIS Warenvertriebs GmbH, with liability v Bezirkshauptmannschaft Innsbruck

(Case C-443/13) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws on animal health — Regulation (EC) No 2073/2005 — Annex I — Microbiological criteria applicable to foodstuffs — Salmonella in fresh poultry meat — Failure to comply with microbiological criteria found at the distribution stage — National legislation imposing a penalty on a food business operator active only at the stage of retail sale — Compatibility with EU law — Effective, dissuasive and proportionate nature of the penalty)

(2015/C 016/08)

Language of the case: German

Referring court

Unabhängiger Verwaltungssenat in Tirol

Parties to the main proceedings

Applicant: Ute Reindl, representative of MPREIS Warenvertriebs GmbH, with liability

Defendant: Bezirkshauptmannschaft Innsbruck

Operative part of the judgment

1. Annex II E. 1 to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents, as amended by Commission Regulation (EU) No 1086/2011 of 27 October 2011, must be interpreted as meaning that fresh poultry meat from the animal populations listed in Annex I to that regulation, must satisfy the microbiological criterion mentioned in Annex I, Chapter I, Row I.28 of Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs, as amended by Regulation No 1086/2011, at all the stages of distribution including the retail sale stage;
2. EU law, in particular Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and Regulation No 2073/2005, as amended by Regulation No 1086/2011, must be interpreted as meaning that, in principle, it does not preclude national law, such as that at issue in the main proceedings, which imposes a penalty on a food business operator which is active only at the distribution stage for placing foodstuff on the market, on account of the failure to comply with the microbiological criterion laid down in Annex I, Chapter I, Row I.28 of Regulation No 2073/2005, as amended by Regulation No 1086/2011. It is for the national court to determine whether the penalty at issue in the main proceedings observes the principle of proportionality referred to in Article 17(2) of Regulation No 178/2002.

⁽¹⁾ OJ C 344, 23.11.2013.

Judgment of the Court (Second Chamber) of 13 November 2014 — Riccardo Nencini v European Parliament

(Case C-447/13 P) ⁽¹⁾

(Appeals — Member of the European Parliament — Allowances to cover costs incurred in the exercise of parliamentary duties — Recovery of undue payments — Recovery — Limitation — Reasonable time)

(2015/C 016/09)

Language of the case: Italian

Parties

Appellant: Riccardo Nencini (represented by: M. Chiti, avvocato)

Other party to the proceedings: European Parliament (represented by: S. Seyr and N. Lorenz, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union in *Nencini v Parliament* (T-431/10 and T-560/10, EU: T:2013:290) in so far as concerns Case T-560/10;
2. Annuls the decision of the Secretary General of the European Parliament of 7 October 2010 regarding the recovery of certain expenses received by Mr Riccardo Nencini, a former Member of the European Parliament, in respect of travel and parliamentary assistance expenses and the debit note of the Director General of the European Parliament's Directorate-General for Finances, No 315653 of 13 October 2010;
3. Orders the European Parliament to bear its own costs and to pay three-quarters of the costs incurred by Mr Riccardo Nencini in the present appeal;
4. Orders the European Parliament to pay the costs of the proceedings at first instance in Case T-560/10;
5. Dismisses the remainder of the appeal.

⁽¹⁾ OJ C 304, 19.10.2013.
