

Defendant: Republic of Poland

Form of order sought

— declare that, by not adopting the laws, regulations and administrative provisions necessary to ensure the application of Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, ⁽¹⁾ with regard to self-employed drivers, and in any event by not notifying the Commission of those provisions, the Republic of Poland has failed to fulfil its obligations under Articles 2(1), 3 to 7 and 11 of that directive;

— order the Republic of Poland to pay the costs of the proceedings.

Pleas in law and main arguments

Directive 2002/15/EC has been applicable to self-employed drivers since 23 March 2009.

⁽¹⁾ OJ 2002 L 80, p. 35.

Request for a preliminary ruling from the Cour administrative d'appel de Lyon (France) lodged on 9 April 2013 — Maurice Leone, Blandine Leone v Garde des Sceaux, Ministre de la Justice, Caisse nationale de retraite des agents des collectivités locales

(Case C-173/13)

(2013/C 171/40)

Language of the case: French

Referring court

Cour administrative d'appel de Lyon

Parties to the main proceedings

Applicants: Maurice Leone, Blandine Leone

Defendants: Garde des Sceaux, Ministre de la Justice, Caisse nationale de retraite des agents des collectivités locale

Questions referred

1. Do Article L. 24 and Article R. 37, read in conjunction, of the Civil and Military Retirement Pensions Code, as amended by the Finance (Amendment) Law No 2004-1485 of 30 December 2004 and by Decree No 2005-449

of 10 May 2005, indirectly discriminate between men and women, within the meaning of Article 157 of the Treaty on the Functioning of the European Union?

2. Does Article 15 of Decree 2003-1306 of 26 December 2003 on the retirement scheme for civil servants affiliated to the Caisse nationale de retraites des agents des collectivités locales indirectly discriminate between men and women, within the meaning of Article 157 of the Treaty on the Functioning of the European Union?
3. In the event that one of the first two questions is answered in the affirmative, can such indirect discrimination be justified on the basis of Article 157(4) of the Treaty on the Functioning of the European Union?

Appeal brought on 9 April 2013 by Council of the European Union against the judgment of the General Court (Fourth Chamber) delivered on 29 January 2013 in Case T-496/10: Bank Mellat v Council of the European Union

(Case C-176/13 P)

(2013/C 171/41)

Language of the case: English

Parties

Appellant: Council of the European Union (represented by: S. Boelaert and M. Bishop, Agents)

Other parties to the proceedings: Bank Mellat, European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court (Fourth Chamber) of 29 January 2013 in Case T-496/10;
- give a definitive ruling on the case and dismiss the application brought by Bank Mellat against the contested measures;
- order Bank Mellat to pay the costs incurred by the Council in the proceedings at first instance and in this appeal.

Pleas in law and main arguments

The Council considers that the judgment of the General Court of 29 January 2012 in Case T-496/10, Bank Mellat v. Council, is vitiated by the following errors of law: