

Parties to the main proceedings

Applicants: CO Sociedad de Gestión y Participación SA, Depsa 96 SA, INOC SA, Corporación Catalana Occidente SA, La Previsión 96 SA, Grupo Catalana Occidente SA, Grupo Compañía Española de Crédito y Caucción SL, Atradius NV, Atradius Insurance Holding NV, J.M. Serra Farré, M.A Serra Farré, J. Serra Farré, De Nederlandsche Bank NV

Defendants: De Nederlandsche Bank NV, CO Sociedad de Gestión y Participación SA, Depsa 96 SA, INOC SA, Corporación Catalana Occidente SA, La Previsión 96 SA, Grupo Catalana Occidente SA, Grupo Compañía Española de Crédito y Caucción SL, Atradius NV, Atradius Insurance Holding NV, J.M. Serra Farré, M.A Serra Farré, J. Serra Farré

Operative part of the judgment

1. Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive), as amended by Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007, must be interpreted as meaning that it does not preclude a Member State, in a situation in which the competent national authority could validly oppose a proposed acquisition pursuant to Article 15b(2) thereof, from authorising that authority, pursuant to its national legislation, to attach restrictions or requirements to the approval of the proposed acquisition, either on its own initiative or by formalising commitments given by the proposed acquirer, provided that the rights of the proposed acquirer under that directive are not adversely affected.
2. Directive 92/49, as amended by Directive 2007/44, must be interpreted as meaning that the competent national authority is not required to impose restrictions or requirements on the proposed acquirer before it can oppose the proposed acquisition. If that authority decides to attach restrictions or requirements to the approval of a proposed acquisition, those requirements cannot be based on a criterion which is not among those set out in Article 15b(1) of that directive, nor can they go beyond what is necessary in order for the acquisition to satisfy those criteria.
3. Article 15b(1) of Directive 92/49, as amended by Directive 2007/44, must be interpreted as meaning that, in principle, it does not preclude the competent national authority from imposing a requirement relating to corporate governance concerning, as in the case in the main proceedings, the composition of the supervisory boards of the insurance companies concerned by the proposed acquisition.

It is for the national court to determine, by taking account of all the circumstances in the main proceedings, whether that requirement is necessary to enable the acquisitions at issue in the main proceedings to satisfy the criteria laid down in that provision.

⁽¹⁾ OJ C 112, 14.4.2014.

Judgment of the Court (Grand Chamber) of 16 June 2015 (request for a preliminary ruling from the Bundesverfassungsgericht — Germany) — Peter Gauweiler and Others v Deutscher Bundestag

(Case C-62/14) ⁽¹⁾

(Reference for a preliminary ruling — Economic and monetary policy — Decisions of the Governing Council of the European Central Bank (ECB) on a number of technical features regarding the Eurosystem's outright monetary transactions in secondary sovereign bond markets — Articles 119 TFEU and 127 TFEU — Powers conferred on the ECB and the European System of Central Banks — Monetary policy transmission mechanism — Maintenance of price stability — Proportionality — Article 123 TFEU — Prohibition of monetary financing of Member States in the euro area)

(2015/C 279/14)

Language of the case: German

Referring court

Bundesverfassungsgericht

Parties to the main proceedings

Complainants/applicant: Peter Gauweiler, Bruno Bandulet, Wilhelm Hankel, Wilhelm Nölling, Albrecht Schachtschneider, Joachim Starbatty, Roman Huber and Others, Johann Heinrich von Stein and Others, Fraktion DIE LINKE im Deutschen Bundestag

Respondent: Deutscher Bundestag

Joined party: Bundesregierung

Operative part of the judgment

Articles 119 TFEU, 123(1) TFEU and 127(1) and (2) TFEU and Articles 17 to 24 of Protocol (No 4) on the Statute of the European System of Central Banks and of the European Central Bank must be interpreted as permitting the European System of Central Banks (ESCB) to adopt a programme for the purchase of government bonds on secondary markets, such as the programme announced in the press release to which reference is made in the minutes of the 340th meeting of the Governing Council of the European Central Bank (ECB) on 5 and 6 September 2012.

⁽¹⁾ OJ C 129, 28.4.2014.

Judgment of the Court (Tenth Chamber) of 25 June 2015 (request for a preliminary ruling from the Hof van beroep te Brussel — Belgium) — Loutfi Management Propriété Intellectuelle SARL v AMJ Meatproducts NV, Halalsupply NV

(Case C-147/14) ⁽¹⁾

(Reference for a preliminary ruling — Community trade mark — Regulation (EC) No 207/2009 — Article 9(1)(b) — Effects — Rights conferred by a Community trade mark — Identical or similar signs — Prohibition of use — Likelihood of confusion — Assessment — Taking into consideration the use of a language other than an official language of the European Union)

(2015/C 279/15)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main proceedings

Applicant: Loutfi Management Propriété Intellectuelle SARL

Defendants: AMJ Meatproducts NV, Halalsupply NV

Operative part of the judgment

Article 9(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark must be interpreted as meaning that, in order to assess the likelihood of confusion that may exist between a Community trade mark and a sign which cover identical or similar goods and which both contain a dominant Arabic word in Latin and Arabic script, those words being visually similar, in circumstances where the relevant public for the Community trade mark and for the sign at issue has a basic knowledge of written Arabic, the meaning and pronunciation of those words must be taken into account.

⁽¹⁾ OJ C 194, 24.6.2014.