

Parties to the main proceedings

Applicants: R.L. Trijber, trading as Amstelboats (C-340/14), J. Harmsen (C-341/14)

Defendants: College van burgemeester en wethouders van Amsterdam, Burgemeester van Amsterdam

Operative part of the judgment

- 1) Article 2(2)(d) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, must be interpreted as meaning that, subject to the checks to be carried out by the referring court, an activity, such as that which is the subject of the application for authorisation in the main proceedings, which consists in providing, for payment, a service of carrying passengers on a boat for a waterway tour of a city for event-related purposes, does not constitute a service in the 'field of transport' within the meaning of that provision which is excluded from the scope of that directive.
- 2) Article 11(1)(b) of Directive 2006/123 must be interpreted as precluding the grant by the competent national authorities of authorisations for an unlimited period for the exercise of an activity such as that at issue in the main proceedings, where the number of authorisations granted for that purpose by those authorities is limited for overriding reasons relating to the public interest.
- 3) Article 10(2)(c) of Directive 2006/123 must be interpreted as not precluding a measure, such as that at issue in the main proceedings, under which the grant of authorisation for the exercise of an activity, such as that at issue in Case C-341/14, consisting in the operation of window prostitution businesses by renting rooms out in shifts is subject to the condition that the service provider is able to communicate with the recipients of those services, in this case prostitutes, where that condition is such as to ensure that the legitimate objective of general interest pursued — namely the prevention of criminal offences related to prostitution — is secured, and does not go beyond what is necessary to achieve that objective, which is for the referring court to determine.

⁽¹⁾ OJ C 339, 29.9.2014.

Judgment of the Court (Third Chamber) of 1 October 2015 — Electrabel SA and Dunamenti Erőmű Zrt v European Commission

(Case C-357/14 P) ⁽¹⁾

(Appeal — State aid — Aid granted by the Hungarian authorities to certain electricity generators — Power purchase agreements concluded between a public undertaking and certain electricity generators — Decision declaring that aid incompatible with the common market and ordering its recovery — Meaning of 'party' capable of bringing an appeal before the Court — Accession of Hungary to the European Union — Date relevant to the assessment of the existence of aid — Concept of State aid — Advantage — Private investor test — Methodology for calculating the amount of aid)

(2015/C 381/10)

Language of the case: English

Parties

Appellants: Electrabel SA and Dunamenti Erőmű Zrt (represented by: J. Philippe, F.-H. Boret and A.-C. Guyon, avocats, and by P. Turner QC)

Other party to the proceedings: European Commission (represented by: L. Flynn and K. Talabér-Ritz, acting as Agents)

Operative part of the judgment

The Court:

- 1) Dismisses the appeal;
- 2) Orders Dunamenti Erőmű Zrt. to bear its own costs and to pay those incurred by the European Commission;
- 3) Orders Electrabel SA to bear its own costs.

⁽¹⁾ OJ C 329, 22.9.2014.

Judgment of the Court (Seventh Chamber) of 1 October 2015 (request for a preliminary ruling from the Conseil de prud'hommes de Paris — France) — O v Bio Philippe Auguste SARL

(Case C-432/14) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Principles of equal treatment and non-discrimination on grounds of age — Directive 2000/78/EC — Equal treatment in employment and occupation — Article 2(1) and 2(2)(a) — Difference in treatment on grounds of age — Whether situations comparable — Grant of a payment, on the expiry of a fixed-term employment contract, intended to compensate for insecurity — Exclusion of young people working during their school holidays or university vacations)

(2015/C 381/11)

Language of the case: French

Referring court

Conseil de prud'hommes de Paris

Parties to the main proceedings

Applicant: O

Defendant: Bio Philippe Auguste SARL

Operative part of the judgment

The principle of non-discrimination on grounds of age, enshrined in Article 21 of the Charter of Fundamental Rights of the European Union and given specific expression by Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, under which an end-of-contract payment, paid in addition to an employee's salary on the expiry of a fixed-term employment contract where the contractual relationship is not continued in the form of a contract for an indefinite period, is not payable in the event that the contract is concluded with a young person for a period during his school holidays or university vacation.

⁽¹⁾ OJ C 431, 1.2.2014.