

Request for a preliminary ruling from the Curtea de Apel Oradea (Romania) lodged on 4 November 2014 — SC Max Boegl România SRL and Others v RA Aeroportul Oradea and Others

(Case C-488/14)

(2015/C 026/12)

Language of the case: Romanian

Referring court

Curtea de Apel Oradea

Parties to the main proceedings

Applicants: SC Max Boegl România SRL, SC UTI Grup SA, Astaldi SpA, SC Construcții Napoca SA

Defendants: RA Aeroportul Oradea, SC Porr Construct SRL, Teerag-Asdag Aktiengesellschaft, SC Col-Air Trading SRL, AZVI SA, Trameco SA, Iamsat Muntenia SA

Question referred

Must Article 1(1), (2) and (3) of Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts⁽¹⁾ and Article 1(1), (2) and (3) of Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors⁽²⁾, as amended by Directive 2007/66/EC⁽³⁾ of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts be interpreted as precluding legislation which makes access to review procedures of decisions of contracting authorities subject to an obligation to deposit beforehand a 'good conduct guarantee' such as that governed by Articles 271a and 271b of Government Emergency Ordinance No 34/2006?

⁽¹⁾ OJ 1989 L 395, p. 33.

⁽²⁾ OJ 1992 L 76, p. 14.

⁽³⁾ Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (OJ 2007 L 335, p. 31).

Reference for a preliminary ruling from High Court of Justice, Family Division (England and Wales) (United Kingdom) made on 4 November 2014 — A v B

(Case C-489/14)

(2015/C 026/13)

Language of the case: English

Referring court

High Court of Justice, Family Division (England and Wales)

Parties to the main proceedings

Applicant: A

Defendant: B

Questions referred

1. For the purposes of Article 19(1) and (3) ⁽¹⁾, what does 'established' mean, in circumstances where:-
 - a) the applicant, in the proceedings in the court first seised ('the first proceedings'), takes virtually no steps in the first proceedings beyond the first court appointment, and in particular does not issue a Petition (*Assignment*) within the time limit for the expiry of the Request (*Requête*), with the result that the first proceedings expire undetermined by effluxion of time and in accordance with the local (French) law of the first proceedings, namely 30 months after the first directions appointment;
 - b) the first proceedings expire as above very shortly (3 days) after the proceedings in the court second seised ('the second proceedings') are issued in England, with the result that there is no judgment in France nor any danger of irreconcilable judgments between the first proceedings and the second proceedings; and
 - c) by virtue of the United Kingdom's time zone the applicant in the first proceedings would, following the lapse of the first proceedings, always be able to issue divorce proceedings in France before the applicant could issue divorce proceedings in England?
2. In particular, does 'established' import that the applicant in the first proceedings must take steps to progress the first proceedings with due diligence and expedition to a resolution of the dispute (whether by the Court or by agreement), or is the applicant in the first proceedings, having once secured jurisdiction under Articles 3 and 19(1), free to take no substantive steps at all towards resolution of the first proceedings as above and free thereby simply to secure a stop of the second proceedings and a stalemate in the dispute as a whole?

⁽¹⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 OJ L 338, p. 1

Request for a preliminary ruling from the Juzgado de lo Mercantil No 3 de Madrid (Spain) lodged on 5 November 2014 — Rossa dels Vents Assessoria, S.L. v U Hostels Albergues Juveniles, S.L.

(Case C-491/14)

(2015/C 026/14)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil No 3 de Madrid

Parties to the main proceedings

Applicant: Rossa dels Vents Assessoria, S.L.

Defendant: U Hostels Albergues Juveniles, S.L.

Question referred

Must Article 5(1) of Directive 2008/95/EC ⁽¹⁾ of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks be interpreted as meaning that the exclusive right of the proprietor of a trade mark to prevent all third parties from using, in the course of trade, signs identical with or similar to its trade mark extends to a third-party proprietor of a later trade mark, without the need for that latter mark to have been declared invalid beforehand?

⁽¹⁾ OJ 2008 L 299, p. 25.