

5. Is European Commission decision 2013/448/EU of 5 September 2013 invalid as regards its definition of the cross-sectoral correction factor, on the ground that it infringes the procedural rules under Articles 10a(1) and 23(3) of Directive 2003/87/EC?

⁽¹⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32).

Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco (Spain) lodged on 13 November 2014 — Administrador de Infraestructuras Ferroviarias (ADIF) v Luis Aira Pascual and Others

(Case C-509/14)

(2015/C 026/18)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco

Parties to the main proceedings

Applicant: Administrador de Infraestructuras Ferroviarias (ADIF)

Defendant: Luis Aira Pascual, Algeposa Terminales Ferroviarios, S.L. and FOGASA

Question referred

Does Article 1[(1)](b) of Council Directive 2001/23/EC ⁽¹⁾ of 12 March 2001, in conjunction with Article 4(1) thereof, preclude an interpretation of the Spanish legislation intended to give effect to the Directive, to the effect that a public-sector undertaking, responsible for a service central to its own activities and requiring important material resources, that has been providing that service by means of a public contract, requiring the contractor to use those resources which it owns, is not subject to the obligation to take over the rights and obligations relating to employment relationships when it decides not to extend the contract but to assume direct responsibility for its performance, using its own staff and thereby excluding the staff employed by the contractor, so that the service continues to be provided without any change other than that arising as a result of the replacement of the workers performing the activities and the fact that they are employed by a different employer?

⁽¹⁾ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ 2001 L 82, p. 16).

Appeal brought on 14 November 2014 by Éditions Odile Jacob SAS against the judgment of the General Court (Second Chamber) delivered on 5 September 2014 in Case T-471/11 Odile Jacob v Commission

(Case C-514/14 P)

(2015/C 026/19)

Language of the case: French

Parties

Appellant: Éditions Odile Jacob SAS (represented by: J.-F. Bellis, O. Fréget and L. Eskenazi, avocats)

Other parties to the proceedings: European Commission, Lagardère SCA, Wendel