

Judgment of the Court (Fifth Chamber) of 26 October 2016 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — SCI Senior Home, in administration v Gemeinde Wedemark, Hannoversche Volksbank eG

(Case C-195/15) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Judicial cooperation in civil matters — Insolvency proceedings — Regulation (EC) No 1346/2000 — Article 5 — Notion of ‘third parties’ rights in rem’ — Public charge against immovable property to ensure payment of real property tax)

(2017/C 006/16)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: SCI Senior Home, in administration

Defendants: Gemeinde Wedemark, Hannoversche Volksbank eG

Operative part of the judgment

Article 5 of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings must be interpreted to the effect that security created by virtue of a provision of national law, such as that at issue in the main proceedings, by which the real property of a person owing real property taxes is, by operation of law, to be subject to a public charge and that property owner must accept enforcement of the decision recording that tax debt against that property, constitutes a ‘right in rem’ for the purposes of that article.

⁽¹⁾ OJ C 254, 3.8.2015.

Judgment of the Court (First Chamber) of 26 October 2016 — Orange, formerly France Télécom v European Commission

(Case C-211/15 P) ⁽¹⁾

(Appeal — Competition — State aid — Aid granted by the French Republic to France Télécom — Reform of the arrangements for financing the retirement pensions of civil servants working for France Télécom — Reduction of the compensation to be paid to the State by France Télécom — Decision declaring the aid compatible with the internal market under certain conditions — Definition of aid — Definition of economic advantage — Selective nature — Adverse effect on competition — Distortion of the facts — No statement of reasons — Substitution of grounds)

(2017/C 006/17)

Language of the case: French

Parties

Appellant: Orange, formerly France Télécom (represented by: S. Hautbourg and S. Cochard-Quesson, avocats)

Other party to the proceedings: European Commission (represented by: B. Stromsky and L. Flynn, acting as Agents)