

**Judgment of the Court (First Chamber) of 21 December 2016 (request for a preliminary ruling from the Verwaltungsgericht Berlin — Germany) — Sidika Ucar (C-508/15), Recep Kilic (C-509/15) v Land Berlin**

(Joined Cases C-508/15 and C-509/15) <sup>(1)</sup>

*(References for a preliminary ruling — EEC-Turkey Association Agreement — Decision No 1/80 — Article 7, first paragraph — Right of residence of family members of a Turkish worker duly registered as belonging to the labour force of a Member State — Conditions — No need for the Turkish worker to be duly registered as belonging to the labour force of a Member State for the first three years of the residence of a family member)*

(2017/C 053/18)

Language of the case: German

**Referring court**

Verwaltungsgericht Berlin

**Parties to the main proceedings**

Applicants: Sidika Ucar (C-508/15), Recep Kilic (C-509/15)

Defendant: Land Berlin

**Operative part of the judgment**

Article 7, first paragraph, first indent, of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association must be interpreted as meaning that that provision confers a right of residence in the host Member State on a family member of a Turkish worker, who has been authorised to enter that Member State, for the purposes of family reunification, and who, from his entry into the territory of that Member State, has lived with that Turkish worker, even if the period of at least three years during which the latter is duly registered as belonging to the labour force does not immediately follow the arrival of the family member concerned in the host Member State, but is subsequent to it.

<sup>(1)</sup> OJ C 16, 18.1.2016.

**Judgment of the Court (Sixth Chamber) of 21 December 2016 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Daniel Bowman v Pensionsversicherungsanstalt**

(Case C-539/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Social policy — Charter of Fundamental Rights of the European Union — Directive 2000/78/EC — Equal treatment in employment and occupation — Article 2(1) and (2) — Discrimination on grounds of age — Collective labour agreement — Extension of the period of advancement from the first to the second step in the salary scale — Indirect unequal treatment on grounds of age)*

(2017/C 053/19)

Language of the case: German

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Applicant:* Daniel Bowman

*Defendant:* Pensionsversicherungsanstalt

**Operative part of the judgment**

Article 2(1) and (2) of 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 a national collective labour agreement, such as that at issue in the main proceedings, by which an employee who benefits from account being taken of periods of school education for the purpose of his classification in the salary steps is subject to a longer period of advancement between the first and second salary step, as long as that extension applies to every employee benefiting from the inclusion of those periods, including retroactively to those having already reached the next steps.

<sup>(1)</sup> OJ C 27, 25.1.2016.

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**Judgment of the Court (Fourth Chamber) of 21 December 2016 (request for a preliminary ruling from the Kúria — Hungary) — Interservice d.o.o. Koper v Sándor Horváth**

(Case C-547/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Community Customs Code — Regulation (EEC) No 2913/92 — Article 96 — External transit procedure — Definition of ‘carrier’ — Failure to produce goods at the customs office of destination — Liability — Transport subcontractor who has handed the goods over to the main carrier in the car park of the customs office of destination and subsequently again assumed responsibility for the goods in order to continue with the transport)*

(2017/C 053/20)

Language of the case: Hungarian

**Referring court**

Kúria

**Parties to the main proceedings**

*Applicant:* Interservice d.o.o. Koper

*Defendant:* Sándor Horváth

**Operative part of the judgment**

1. The concept of a ‘carrier’ under an obligation to produce goods intact at the customs office of destination in Article 96(2) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council of 13 April 2005, is to be interpreted as referring to any person, including a transport subcontractor, who actually transports the goods moving under the external Community transit procedure and has agreed to transport the goods knowing that they are moving under that procedure.