

Judgment of the Court (First Chamber) of 18 October 2017 (request for a preliminary ruling from the Symvoulio tis Epikrateias — Greece) — Ypourgos Esoterikon, Ypourgos Ethnikis Pedias kai Thriskevmaton v Maria-Eleni Kalliri

(Case C-409/16) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 76/207/EEC — Equal treatment of men and women in matters of employment and occupation — Discrimination on the ground of sex — Competition for entry to the police school of a Member State — Law of that state imposing a minimum physical height requirement on all candidates for admission to that competition)

(2017/C 424/13)

Language of the case: Greek

Referring court

Symvoulio tis Epikrateias

Parties to the main proceedings

Appellants: Ypourgos Esoterikon, Ypourgos Ethnikis Pedias kai Thriskevmaton

Defendant: Maria-Eleni Kalliri

Operative part of the judgment

The provisions of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, as amended by Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002, must be interpreted as precluding a law of a Member State, such as that at issue in the main proceedings, which makes candidates' admission to the competition for entry to the police school of that Member State subject, whatever their sex, to a requirement that they are of a physical height of at least 1,70 m, since that law works to the disadvantage of a far greater number of women compared with men and that law does not appear to be either appropriate or necessary to achieve the legitimate objective that it pursues, which it is for the national court to determine.

⁽¹⁾ OJ C 392, 24.10.2016.

Judgment of the Court (Ninth Chamber) of 19 October 2017 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Hansruedi Raimund v Michaela Aigner

(Case C-425/16) ⁽¹⁾

(Reference for a preliminary ruling — Intellectual and industrial property — EU trade mark — Regulation (EC) No 207/2009 — Article 96(a) — Infringement proceedings — Article 99(1) — Presumption of validity — Article 100 — Counterclaim for a declaration of invalidity — Relationship between an action for infringement and a counterclaim for a declaration of invalidity — Procedural autonomy)

(2017/C 424/14)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Hansruedi Raimund

Defendant: Michaela Aigner

Operative part of the judgment

1. Article 99(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the European Union trade mark must be interpreted as meaning that an action for infringement brought before an EU trade mark court in accordance with Article 96(a) of that regulation may not be dismissed on the basis of an absolute ground for invalidity, such as that provided for in Article 52(1)(b) of that regulation, without that court having upheld the counterclaim for a declaration of invalidity brought by the defendant in that infringement action, pursuant to Article 100(1) of the regulation, and based on the same ground for invalidity.
2. The provisions of Regulation No 207/2009 must be interpreted as not precluding an EU trade mark court from being able to dismiss an action for infringement within the meaning of Article 96(a) of that regulation on the basis of an absolute ground for invalidity, such as that provided for in Article 52(1)(b) of that regulation, even though the decision on the counterclaim for a declaration of invalidity, brought pursuant to Article 100(1) of the regulation, and based on the same ground for invalidity, has not become final.

⁽¹⁾ OJ C 402, 31.10.2016.

Judgment of the Court (Third Chamber) of 19 October 2017 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — A v Staatssecretaris van Financiën

(Case C-522/16) ⁽¹⁾

(Reference for a preliminary ruling — Customs union and Common Customs Tariff — Regulation (EEC) No 2913/92 — Second subparagraph of Article 201(3) and Article 221(3) and (4) — Regulation (EEC) No 2777/75 — Regulation (EC) No 1484/95 — Additional import duties — Artificial arrangement intended to avoid the additional duties due — Customs declaration based on false information — Persons capable of being held liable for the customs debt — Limitation period)

(2017/C 424/15)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: A

Defendant: Staatssecretaris van Financiën

Operative part of the judgment

1. In circumstances such as those in the case in the main proceedings, the second subparagraph of Article 201(3) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000 must be interpreted as meaning that documents that are required to be produced by Article 3(2) of Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation (EEC) No 163/67/EEC, as amended by Commission Regulation (EC) No 684/1999 of 29 March 1999, constitute information required to draw up the customs declaration within the meaning of Article 201(3).