

Appeal brought on 10 April 2019 by Apple Inc. against the judgment of the General Court (Fifth Chamber) delivered on 31 January 2019 in Case T-215/17: Pear Technologies v EUIPO - Apple (PEAR)

(Case C-295/19 P)

(2019/C 406/12)

Language of the case: English

Parties

Appellant: Apple Inc. (represented by: G. Tritton and J. Muir Wood, Barristers, instructed by J. Olsen and P. Andreottola, Solicitors)

Other parties to the proceedings: Pear Technologies Ltd, European Union Intellectual Property Office

By order of 1 October 2019 the Court of Justice (Eighth Chamber) held that the appeal is dismissed as being manifestly unfounded and that Apple Inc. shall bear its own costs.

Request for a preliminary ruling from the Tribunalul București (Romania) lodged on 2 August 2019 — Academia de Studii Economice din București v Organismul Intermediar pentru Programul Operațional Capital Uman — Ministerul Educației Naționale

(Case C-585/19)

(2019/C 406/13)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: Academia de Studii Economice din București

Defendant: Organismul Intermediar pentru Programul Operațional Capital Uman — Ministerul Educației Naționale

Questions referred

1. Should 'working time', as defined in Article 2(1) of Directive 2003/88/EC, ⁽¹⁾ be understood as meaning 'any period during which the worker is working, at the employer's disposal and carrying out his activity or duties' under a single (full-time) contract or under all (employment) contracts concluded by that worker?
2. Should the requirements imposed on Member States by Article 3 of Directive 2003/88/EC (obligation to take the measures necessary to ensure that each worker enjoys at least 11 consecutive hours' rest per 24-hour period) and by Article 6(b) of that directive (establishing a maximum weekly working time limit of 48 hours, on average, including overtime) be interpreted as introducing limits with regard to one single contract or with regard to all the contracts concluded with the same employer or with different employers?

3. In the event that the answers to Questions 1 and 2 involve an interpretation which is such as to exclude the possibility of the Member States being able to regulate, at national level, the application per contract of Article 3 and Article 6(b) of Directive 2003/88/EC, where there are no provisions of national legislation governing the fact that the minimum daily rest and the maximum weekly working time are to relate to the worker (regardless of how many employment contracts are concluded with the same employer or with different employers), is a public institution of a Member State, which acts on behalf of the State, in a position to rely on the direct application of Article 3 and Article 6(b) of Directive 2003/88/EC and to penalise the employer for failure to observe the limits laid down by that directive as regards daily rest and/or the maximum weekly working time?

(¹) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

**Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 19 August 2019 —
Land Baden-Württemberg v D.R.**

(Case C-619/19)

(2019/C 406/14)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Land Baden-Württemberg

Defendant: D.R.

Questions referred

1. Is point (e) of the first subparagraph of Article 4(1) of Directive 2003/4/EC (¹) of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (the Environmental Information Directive) to be interpreted as meaning that the term ‘internal communications’ covers all communications which do not leave the internal sphere of an authority which is required to provide information?
2. Is the temporal scope of the protection of ‘internal communications’ under point (e) of the first subparagraph of Article 4(1) of the Environmental Information Directive unlimited?
3. If Question 2 is answered in the negative: Does the protection of ‘internal communications’ under point (e) of the first subparagraph of Article 4(1) of the Environmental Information Directive apply only until the authority required to provide information has taken a decision or completed any other administrative process?

(¹) OJ 2003, L 41, p. 26.