

2. Article 27 of Regulation No 1346/2000, as amended by Regulation No 788/2008, must be interpreted as meaning that it permits the opening of secondary insolvency proceedings in the Member State in which the debtor has an establishment, where the main proceedings have a protective purpose. It is for the court having jurisdiction to open secondary proceedings to have regard to the objectives of the main proceedings and to take account of the scheme of the Regulation, in keeping with the principle of sincere cooperation.
3. Article 27 of Regulation No 1346/2000, as amended by Regulation No 788/2008, must be interpreted as meaning that the court before which an application to have secondary insolvency proceedings opened has been made cannot examine the insolvency of a debtor against which main proceedings have been opened in another Member State, even where the latter proceedings have a protective purpose.

(¹) OJ C 152, 21.5.2011.

Judgment of the Court (Third Chamber) of 6 December 2012 (references for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Bundesrepublik Deutschland v Karen Dittrich (C-124/11), Bundesrepublik Deutschland v Robert Klinke (C-125/11) and Jörg-Detlef Müller v Bundesrepublik Deutschland (C-143/11)

(Joined Cases C-124/11, C-125/11 and C-143/11) (¹)

(Equal treatment in employment and occupation — National rules — Assistance granted to public servants in the event of illness — Directive 2000/78/EC — Article 3 — Scope — Concept of ‘pay’)

(2013/C 26/08)

Language of the cases: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicants: Bundesrepublik Deutschland (C-124/11 and C-125/11), Jörg-Detlef Müller (C-143/11)

Defendants: Karen Dittrich (C-124/11), Robert Klinke (C-125/11), Bundesrepublik Deutschland (C-143/11)

Re:

References for a preliminary ruling — Bundesverwaltungsgericht — Interpretation of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16) — National legislation providing for assistance paid to public servants in case of illness excluding life partners from the

members of the family who can be covered by the assistance in question — Equal treatment of workers in a registered partnership and married workers — Scope of Directive 2000/78/EC — Concept of remuneration

Operative part of the judgment

Article 3(1)(c) and 3(3) 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 meaning that assistance granted to public servants in the event of illness, such as that granted to public servants of the Bundesrepublik Deutschland under the Law on federal public servants (Bundesbeamtengesetz), falls within the scope of that directive if it is the responsibility of the State, as a public employer, to finance it, this being a matter for the national court to determine.

(¹) OJ C 269, 10.09.2011.

Judgment of the Court (First Chamber) of 22 November 2012 (reference for a preliminary ruling from the Schienen-Control Kommission — Austria) — Westbahn Management GmbH v ÖBB-Infrastruktur AG

(Case C-136/11) (¹)

(Transport — Rail transport — Obligation of the railway infrastructure manager to provide railway undertakings in real time with all information concerning train movements, in particular information on delays to connecting trains)

(2013/C 26/09)

Language of the case: German

Referring court

Schienen-Control Kommission

Parties to the main proceedings

Applicant: Westbahn Management GmbH

Defendant: ÖBB-Infrastruktur AG

Re:

Reference for a preliminary ruling — Schienen-Control Kommission Wien — Interpretation of Article 8(2) of, in conjunction with Annex II, Part II, to, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ 2007 L 315, p. 14) and of Article 5 of, in conjunction with Annex II to, Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ 2001 L 75, p. 29) — Obligation of the railway infrastructure manager to provide railway undertakings, in real time, with all information on train movements, including information on possible delays in connecting services