

Reference for a preliminary ruling from the Raad van State (Netherlands), lodged on 10 October 2012 — Minister voor Immigratie, Integratie en Asiel and O; other party: B

(Case C-456/12)

(2013/C 26/33)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellants: Minister voor Immigratie, Integratie en Asiel and O

Other party: B

Questions referred

[...]

1. Should Directive 2004/38/EC ⁽¹⁾ of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, as regards the conditions governing the right of residence of members of the family of a Union citizen who have third-country nationality, be applied by analogy, as in the judgments of the Court of Justice of the European Communities in Case C-370/90 *Surinder Singh* ⁽²⁾ and in Case C-291/05 *Eind*, ⁽³⁾ where a Union citizen returns to the Member State of which he is a national after having resided in another Member State in the context of Article 21(1) of the Treaty on the Functioning of the European Union, and as the recipient of services within the meaning of Article 56 of that Treaty?
2. If so, is there a requirement that the residence of the Union citizen in another Member State must have been of a certain minimum duration if, after the return of the Union citizen to the Member State of which he is a national, the member of his family who is a third-country national wishes to gain a right of residence in that Member State?
3. If so, can that requirement then also be met if there was no question of continuous residence, but rather of a certain frequency of residence, such as during weekly residence at weekends or during regular visits?

[...]

4. As a result of the time which elapsed between the return of the Union citizen to the Member State of which he is a national and the arrival of the family member from a third country in that Member State, in circumstances such as those of the present case, has there been a lapse of possible entitlement of the family member with third-country nationality to a right of residence derived from Union law?

⁽¹⁾ OJ 2004 L 158, p. 77.

⁽²⁾ Judgment of 7 July 1992, [1992] ECR I-4265.

⁽³⁾ Judgment of 11 December 2007, [2007] ECR I-10719.

Reference for a preliminary ruling from the Raad van State (Netherlands), lodged on 10 October 2012 — S and Minister voor Immigratie, Integratie en Asiel; other party: G

(Case C-457/12)

(2013/C 26/34)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellants: S and Minister voor Immigratie, Integratie en Asiel

Other party: G

Questions referred

1. ...

Can a member, having third-country nationality, of the family of a Union citizen who lives in the Member State of which he is a national but who works in another Member State for an employer established in that other Member State derive, in circumstances such as those of the present case, a right of residence from Union law?

2. ...

Can a member, having third-country nationality, of the family of a Union citizen who lives in the Member State of which he is a national but who, in the course of his work for an employer established in that same Member State, travels to and from another Member State derive, in circumstances such as those of the present case, a right of residence from Union law?

Reference for a preliminary ruling from the Handelsgericht Wien (Austria) lodged on 22 October 2012 — Krejci Lager & Umschlagbetriebs GmbH v Olbrich Transport und Logistik GmbH

(Case C-469/12)

(2013/C 26/35)

Language of the case: German

Referring court

Handelsgericht Wien

Parties to the main proceedings

Applicant: Krejci Lager & Umschlagbetriebs GmbH

Defendant: Olbrich Transport und Logistik GmbH

Question referred

Is a contract for the storage of goods a contract for the 'provision of services' within the meaning of Article 5(1)(b) of Council Regulation (EC) No 44/2001 ⁽¹⁾ of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters?

⁽¹⁾ OJ 2001 L 12, p. 1.

Reference for a preliminary ruling from the Cour constitutionnelle (Belgium), lodged on 22 October 2012 — Institut professionnel des agents immobiliers (IPI) v Geoffrey Englebert, Immo 9 SPRL, Grégory Francotte

(Case C-473/12)

(2013/C 26/36)

Language of the case: French

Referring court

Cour constitutionnelle

Parties to the main proceedings

Applicant: Institut professionnel des agents immobiliers (IPI)

Defendants: Geoffrey Englebert, Immo 9 SPRL, Grégory Francotte

Questions referred

1. Is Article 13(1)(g), *in fine*, of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾ to be interpreted as meaning that it leaves the Member States free to choose whether or not to provide for an exception to the immediate obligation to inform set out in Article 11(1) if this is necessary in order to protect the rights and freedoms of others, or are the Member States subject to restrictions in this matter?
2. Do the professional activities of private detectives, governed by national law and exercised in the service of authorities authorised to report to the judicial authorities any infringement of the provisions protecting a professional title and organising a profession, come, depending on the circumstances, within the exception referred to in Article 13(1)(d) and (g), *in fine*, of Directive 95/46?

3. In the event of a negative reply to Question 2, is Article 13(1)(d) and (g), *in fine*, of Directive 95/46 compatible with Article 6(3) of the Treaty on European Union, more specifically with the principle of equality and non-discrimination?

⁽¹⁾ OJ 1995 L 281, p. 31.

Reference for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 22 October 2012 — Schiebel Aircraft GmbH v Bundesminister für Wirtschaft, Familie und Jugend

(Case C-474/12)

(2013/C 26/37)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Schiebel Aircraft GmbH

Defendant: Bundesminister für Wirtschaft, Familie und Jugend

Question referred

Does Union law, and in particular Articles 18, 45 and 49, in conjunction with Article 346(1)(b) TFEU, preclude a national provision such as the rule applicable in the main proceedings, whereby the members of the statutorily appointed bodies or shareholders of commercial undertakings authorised to manage and represent companies wishing to carry on the business of trading in military arms and munitions and the brokering of the sale and purchase of military arms and munitions, must possess Austrian nationality, the possession of the nationality of another Member State of the EEA not being sufficient?

Reference for a preliminary ruling from the Fővárosi Törvényszék (formerly Fővárosi Bíróság) (Hungary) lodged on 22 October 2012 — UPC DTH S.á.r.l. v A Nemzeti Média- és Hírközlési Hatóság Elnökhelyettese

(Case C-475/12)

(2013/C 26/38)

Language of the case: Hungarian

Referring court

Fővárosi Törvényszék (formerly Fővárosi Bíróság)