

Judgment of the Court (Fourth Chamber) of 21 July 2016 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Staatssecretaris van Financiën v Argos Supply Trading BV

(Case C-4/15) ⁽¹⁾

(Reference for a preliminary ruling — Customs union — Common Customs Tariff — Customs procedures with economic impact — Outward processing — Regulation (EEC) No 2913/92 — Article 148(c) — Issue of authorisation — Economic conditions — Absence of serious harm to the essential interests of Community processors — Concept of ‘Community processors’)

(2016/C 343/07)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Staatssecretaris van Financiën

Defendant: Argos Supply Trading BV

Operative part of the judgment

Article 148(c) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code must be interpreted as meaning that, in the context of a request for authorisation to use the outward processing procedure, in order to assess whether the economic conditions governing the use of that procedure are satisfied, it is necessary to take account not only of the essential interests of Community producers of products analogous to the finished product resulting from the envisaged processing operations, but also of those of Community producers of products analogous to the basic products or to the intermediate non-EU products intended to be incorporated in the Community goods temporarily exported during those operations.

⁽¹⁾ OJ C 107, 30.3.2015.

Judgment of the Court (Ninth Chamber) of 21 July 2016 — European Commission v Romania

(Case C-104/15) ⁽¹⁾

Failure of a Member State to fulfil obligations — Environmental protection — Directive 2006/21/EC — Waste management — Mining — Tailing ponds — Dust re-emission — Fine airborne dust particles — Pollution — Human health — Obligatory preventative measures — Articles 4 and 13 — Finding of infringement

(2016/C 343/08)

Language of the case: Romanian

Parties

Applicant: European Commission (represented by: L. Nicolae, E. Sanfrutos Cano and D. Loma-Osorio Lerena, acting as Agents)

Defendant: Romania (represented by: R. H. Radu, E. Gane, A. Buzoianu and R. Hațieganu, acting as Agents)

Operative part of the judgment

The Court:

- 1) Declares that, by failing to adopt appropriate measures to prevent dust rising from the Boșneag pond — extension, Romania failed to fulfil its obligations under Article 4 and Article 13(2) of Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC.

2. Orders Romania to pay the costs.

⁽¹⁾ OJ C 146, 4.5.2015.

Judgment of the Court (Fourth Chamber) of 21 July 2016 — Apple and Pear Australia Ltd, Star Fruits Diffusion v European Union Intellectual Property Office, Carolus C. BVBA

(Case C-226/15 P) ⁽¹⁾

(Appeal — EU trade mark — Application for EU word mark English pink — Opposition by the proprietor of the word mark PINK LADY and the figurative marks including the word elements ‘Pink Lady’ — Opposition dismissed — Decision of an EU trade mark court — Alteration — Res judicata)

(2016/C 343/09)

Language of the case: French

Parties

Appellants: Apple and Pear Australia Ltd, Star Fruits Diffusion (represented by: T. de Haan, avocat, and P. Péters, advocaat)

Other party to the proceedings: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, Agent), Carolus C. BVBA

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Apple and Pear Australia Ltd and Star Fruits Diffusion to pay the costs.

⁽¹⁾ OJ C 254, 3.8.2015.

Judgment of the Court (Tenth Chamber) of 20 July 2016 (request for a preliminary ruling from the Verwaltungsgericht Wien — Austria) — Hans Maschek v Magistratsdirektion der Stadt Wien — Personalstelle Wiener Stadtwerke

(Case C-341/15) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 2003/88/EC — Article 7 — Right to paid annual — Retirement at the request of the party concerned — Worker failing to use up all his entitlement to annual paid leave before the termination of his work relations — National legislation excluding allowance in lieu of paid annual leave not taken — Sick leave — Public servants)

(2016/C 343/10)

Language of the case: German

Referring court

Verwaltungsgericht Wien

Parties to the main proceedings

Appellant: Hans Maschek

Respondent: Magistratsdirektion der Stadt Wien — Personalstelle Wiener Stadtwerke