

Judgment of the Court (Sixth Chamber) of 28 February 2018 (request for a preliminary ruling from the Landesarbeitsgericht Bremen — Germany) — Hubertus John v Freie Hansestadt Bremen

(Case C-46/17) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 1999/70/EC — Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Successive fixed-term employment contracts — Clause 5(1) — Measures aimed at preventing the misuse of fixed-term contracts — Directive 2000/78/EC — Article 6(1) — Prohibition of discrimination on the ground of age — National legislation authorising the postponement of the end of the contract of employment fixed at the normal retirement age simply because that the worker qualified for a retirement pension)

(2018/C 142/17)

Language of the case: German

Referring court

Landesarbeitsgericht Bremen

Parties to the main proceedings

Applicant: Hubertus John

Defendant: Freie Hansestadt Bremen

Operative part of the judgment

- 1) Article 2(2) 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 it does not preclude a national provision such as that at issue in the main proceedings, to the extent that it makes the postponement of the date of termination of employment of workers who have reached the legal qualifying age for a retirement pension subject to the agreement of the employers given for a fixed term.
- 2) Clause 5(1) of Framework agreement on fixed-term work concluded on 18 March 1999, in the annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, must be interpreted as meaning that it does not preclude a national provision, such as that at issue in the main proceedings, in so far as it permits the parties to a contract of employment, without additional requirements, indefinitely to postpone, by common agreement during the course of the employment relationship, including on more than one occasion if necessary, the agreed date of termination related to reaching the normal retirement age, simply because that worker, by reaching the normal retirement age, is entitled to a retirement pension.

⁽¹⁾ OJ C 144, 8.5.2017.

Judgment of the Court (Fourth Chamber) of 1 March 2018 (request for a preliminary ruling from the Înalta Curte de Casație și Justiție — Romania) — SC Petrotel-Lukoil SA, Maria Magdalena Georgescu v Ministerul Economiei, Ministerul Energiei, Ministerul Finanțelor Publice

(Case C-76/17) ⁽¹⁾

(Reference for a preliminary ruling — Charges having an effect equivalent to customs duties — Article 30 TFEU — Internal taxation — Article 110 TFEU — Charge applied to exported petroleum products — Charge not passed on to the consumer — Tax burden for the taxpayer — Reimbursement of the sums paid by the taxpayer)

(2018/C 142/18)

Language of the case: Romanian

Referring court

Înalta Curte de Casație și Justiție

Parties to the main proceedings

Applicants: SC Petrotel-Lukoil SA, Maria Magdalena Georgescu

Defendants: Ministerul Economiei, Ministerul Energiei, Ministerul Finanțelor Publice

Operative part of the judgment

EU law, in particular Article 30 TFEU, must be interpreted as meaning that the taxpayer, who in fact pays the charge having an equivalent effect contrary to that article, must be able to obtain reimbursement of the sums which it has paid by way of that charge, even in a situation where the payment mechanism for the charge has been designed in national legislation so that the charge is passed on to the consumer.

⁽¹⁾ OJ C 151, 15.5.2017.

Judgment of the Court (Sixth Chamber) of 28 February 2018 (request for a preliminary ruling from the Tribunale amministrativo regionale per le Marche — Italy) — Comune di Castellbellino v Regione Marche and Others

(Case C-117/17) ⁽¹⁾

(Reference for a preliminary ruling — Environment — Directive 2011/92/EU — Article 4(2) and (3) and Annexes I to III — Environmental impact assessment — Authorisation to carry out work in a plant for the production of electricity from biogas without preliminary examination of the need for an environmental impact assessment — Annulment — Regularisation after the event of the authorisation on the basis of new provisions of national law without preliminary examination of the need for an environmental impact assessment)

(2018/C 142/19)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per le Marche

Parties to the main proceedings

Applicant: Comune di Castellbellino

Defendants: Regione Marche, Ministero per i beni e le attività culturali, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Regione Marche Servizio Infrastrutture Trasporti Energia — P. F. Rete Elettrica Regionale, Provincia di Ancona

Other party to the proceedings: Società Agricola 4 C S.S.