

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the European Commission to pay the costs incurred by the Portuguese Republic;
3. Orders the Czech Republic, the Kingdom of Spain, the French Republic, the Republic of Poland and the Republic of Finland to bear their own respective costs.

(¹) OJ C 319, 29.10.2011.

Judgment of the Court (Second Chamber) of 26 September 2013 (request for a preliminary ruling from the Vestre Landsret — Denmark) — HK Danmark, acting on behalf of Glennie Kristensen v Experian A/S

(Case C-476/11) (¹)

(Principle of non-discrimination on grounds of age — Charter of Fundamental Rights of the European Union — Article 21(1) — Directive 2000/78/EC — Article 6(1) and (2) — Occupational pension scheme — Increases in the amount of contributions on the basis of age)

(2013/C 344/18)

Language of the case: Danish

Referring court

Vestre Landsret

Parties to the main proceedings

Applicant: HK Danmark, acting on behalf of Glennie Kristensen

Defendant: Experian A/S

Intervener: Beskæftigelsesministeriet

Re:

Request for a preliminary ruling — Vestre Landsret — Interpretation of Article 6(2) 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) — Justification for differences of treatment on grounds of age — Fixing, for occupational social security schemes, of ages for admission or entitlement to retirement or invalidity benefits — General exception for occupational social security schemes provided that there is no discrimination on grounds of sex, or exception solely for affiliation to social security schemes — National legal situation in which an employer can pay, as part of pay, pension contributions which increase with the age of the employee

Operative part of the judgment

The principle of non-discrimination on grounds of age, enshrined in Article 21 of the Charter of Fundamental Rights of the European Union and given specific expression by Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, and, in particular, Articles 2 and 6(1) of that directive, must be interpreted as not precluding an occupational pension scheme under which an employer pays, as part of pay, pension contributions which increase with age, provided that the difference in treatment on grounds of age that arises therefrom is appropriate and necessary to achieve a legitimate aim, which it is for the national court to establish.

(¹) OJ C 340, 19.11.2011.

Judgment of the Court (First Chamber) of 26 September 2013 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Proceedings brought by ÖBB-Personenverkehr AG

(Case C-509/11) (¹)

(Regulation (EC) No 1371/2007 — Rail passengers' rights and obligations — Article 17 — Compensation in the event of a delay — Excluded in the event of force majeure — Whether permissible — First subparagraph of Article 30(1) — Powers of the national body responsible for the enforcement of the regulation — Whether it is possible to require the rail carrier to amend its conditions governing passenger compensation)

(2013/C 344/19)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

ÖBB-Personenverkehr AG

Intervening parties: Schienen-Control Kommission, Bundesministerin für Verkehr, Innovation und Technologie

Re:

Request for a preliminary ruling — Verwaltungsgerichtshof — Interpretation of Article 17 and the first subparagraph of Article 30(1) of 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) — Conditions governing compensation — Whether exclusion of compensation is permissible in cases of force majeure — Whether the body responsible for the enforcement of that regulation may replace the contractual terms which do not meet the criteria set out in that regulation with terms which are consistent with those criteria