2. Does Article 11(2) of Annex VIII to the Staff Regulations, in conjunction with Article 4(3) of the Treaty on European Union, as amended by the Treaty of Lisbon, preclude application of the method for calculating pension rights provided for in Paragraph 105a(1) of Law No 155/1995 on pension insurance and in Government Regulation No 587/2006 laying down detailed arrangements on the reciprocal transfer of pension rights in relation to the pension scheme of the European Communities? In this context, is it relevant that that calculation method results, in a specific case, in the setting of pension rights offered for transfer to the EU pension scheme at a level of not even half the amount of the contributions paid by an official to the national pension scheme?

3. Must the judgment of the Court of Justice in Case C-293/03 *Gregorio My* v *Office national des pensions (ONP)* be interpreted as meaning that, for the purposes of calculating the value of pension rights to be transferred to the EU pension scheme by means of an actuarial method dependent on the period of insurance, the personal basis of assessment must also include the period during which, before the date of submission of an application for the transfer of pension rights, the EU official has already participated in the EU pension scheme?

([1]) OJ, English Special Edition 1968(1), p- 30.

Reference for a preliminary ruling from the Cour de cassation du Grand-Duché de Luxembourg lodged on 17 April 2012 — Caisse nationale des prestations familiales v Salim Lachheb, Nadia Lachheb

(Case C-177/12)

(2012/C 200/10)

Language of the case: French

Referring court

Cour de cassation du Grand-Duché de Luxembourg

Parties to the main proceedings

Applicant: Caisse nationale des prestations familiales

Defendants: Salim Lachheb, Nadia Lachheb

Questions referred

1. Does a benefit such as that set out in the Law of 21 December 2007 on the Child Bonus constitute a family benefit within the meaning of Article 1(u)(i) and Article 4(1)(h) of Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, ([1]) as amended and updated by Council Regulation (EEC) No 118/97 of 2 December 1996? ([2])

2. If the reply to the first question is in the negative, do Articles 18 and 45 of the Treaty on the Functioning of the European Union (formerly Article 12 and Article 39 of the Treaty establishing the European Community), Article 7 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community ([3]) or Article 3 of Regulation (EEC) No 1408/71 preclude a national regulation such as the one at issue in the main proceedings, under which the granting of a benefit such as that set out in the Law of 21 December 2007 on the Child Bonus, to workers who carry out their professional activity in the territory of the Member State concerned and who reside with members of their family in the territory of another Member State, is suspended up to the amount of the family benefits provided for the members of their family by the legislation of the Member State of residence, the national regulation requiring the application, to the benefit at issue, of the rules concerning non-cumulation of family benefits set out in Article 76 of Regulation (EEC) No 1408/71 and Article 10 of Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 ([4]) as amended and updated by Regulation No 118/97?

([1]) English special edition, 1971 (II), p. 416.

([2]) Council Regulation (EC) No 118/97 of 2 December 1996 amending and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ 1997 L 28, p. 1).

([3]) English special edition, 1968 (II), p. 475.

([4]) Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (English special edition, 1972 (I), p. 159).

Reference for a preliminary ruling from the Hof van Cassatie van België (Belgium) lodged on 20 April 2012 — United Antwerp Maritime Agencies (UNAMAR) NV v Navigation Maritime Bulgare

(Case C-184/12)

(2012/C 200/11)

Language of the case: Dutch

Referring court

Hof van Cassatie van België

Parties to the main proceedings

Appellant: United Antwerp Maritime Agencies (UNAMAR) NV

Respondent: Navigation Maritime Bulgare

Question referred

Having regard, not least, to the classification under Belgian law of the provisions at issue in this case (Articles 18, 20 and 21 of the Belgian Law of 13 April 1995 relating to commercial agency contracts) as special mandatory rules of law within the terms of Article 7(2) of the Rome Convention, must Articles 3 and 7(2) of the Rome Convention, [1] read, as appropriate, in conjunction with Council Directive 86/653/EEC [2] of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents, be interpreted as meaning that special mandatory rules of law of the forum that offer wider protection than the minimum laid down by Directive 86/653/EEC may be applied to the contract, even if it appears that the law applicable to the contract is the law of another Member State of the European Union in which the minimum protection provided by Directive 86/653/EEC has also been implemented?

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[1] Convention on the law applicable to contractual obligations opened for signature in Rome on 19 June 1980 (OJ 1980 L 266, p. 1).
[2] OJ 1986 L 382, p. 17.

Reference for a preliminary ruling from the Cour Constitutionnelle, Belgium lodged on 26 April 2012 — I.B.V & Cie SA (Industrie du bois de Vielsalm & Cie SA) v Walloon Region

(Case C-195/12)

(2012/C 200/12)

Language of the case: French

Referring court

Cour Constitutionnelle (formerly Cour d'arbitrage)

Parties to the main proceedings

Original claimant: I.B.V & Cie SA (Industrie du bois de Vielsalm & Cie SA)

Original defendant: Walloon Region

Questions referred

1. Must Article 7 of Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC, [1] in conjunction if appropriate with Articles 2 and 4 of Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market [2] and with Article 22 of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, [3] be interpreted, in the light of the general principle of equal treatment, of Article 6 of the Treaty on European Union and of Articles 20 and 21 of the Charter of Fundamental Rights of the European Union,

   (a) as applying only to high-efficiency cogeneration plants, within the meaning of Annex III to the directive;

   (b) as requiring, permitting or prohibiting the availability of a support measure of the kind contained in Article 38(3) of the Walloon Region Decree of 12 April 2001 on the organisation of the regional electricity market to all cogeneration plants principally exploiting biomass and meeting the conditions laid down by that article, with the exception of cogeneration plants principally exploiting wood or wood waste?

2. Would the answer be different if the cogeneration plant principally exploits only wood or, on the contrary, only wood waste?

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[1] OJ L 52, p. 50.
[2] OJ L 283, p. 33.
[3] OJ L 140, p. 16.

Reference for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 3 May 2012 — Walter Endress v Allianz Lebensversicherungs-AG

(Case C-209/12)

(2012/C 200/13)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Walter Endress

Defendant: Allianz Lebensversicherungs-AG

Question referred

Must the first indent of Article 15(1) of Council Directive 90/619/EEC of 8 November 1990 [1] on the coordination of laws, regulations and administrative provisions relating to direct life assurance, laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 79/267/EEC (Second Life Assurance Directive), having regard to Article 31(1) of Council Directive 92/96/EEC of 10 November 1992 [2] on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (Third Life Assurance Directive), be interpreted as precluding a provision — such as the fourth sentence of Paragraph 5a(2) of the Versicherungsvertragsgesetz (Law on insurance contracts) in the version of the