Questions referred

On a proper construction of Article 101 TFEU, Article 4(3) TEU and Article 11 of Regulation (EC) No 1/2003 ([1]), does it follow that:

1. national competition authorities [NCAs] may not, in their own implementation practices, deviate from the instruments defined and adopted by the European Competition Network ('ECN') and, in particular, from the Model Leniency Programme, in a case such as that at issue before the referring court, without running counter to the findings of the Court of Justice of the European Union in paragraphs 21 and 22 of the judgment of 14 June 2011 in Case C-360/09 [*Pfleiderer*]?

2. a legal link exists between the main application for immunity that an undertaking has submitted or is about to submit to the Commission and the simplified application for immunity submitted by that undertaking to an NCA in respect of the same cartel, with the effect that — notwithstanding the provision made under paragraph 38 of the Commission Notice on cooperation within the Network of Competition Authorities — the NCA is obliged, under § 22 of the 2006 ECN Model Leniency Programme (now § 24 according to the numbering of the 2012 ECN Model Leniency Programme) and the related Explanatory Note 45 (now Explanatory Note 49 according to the numbering of the 2012 Model Leniency Programme), to take the following steps: (a) to assess the simplified application in the light of the main application for immunity, examining whether the simplified application accurately reflects the content of the main application; and (b) failing which — if the NCA believes that the simplified application received is narrower in material scope than the main application submitted by the same undertaking, on the basis of which the Commission has granted conditional immunity to that undertaking — to contact the Commission, or that undertaking, in order to ascertain whether, following the submission of the simplified application, the Commission has identified, through its internal investigations, actual and specific examples of conduct in the sector purportedly covered by the main application for immunity but not by the simplified one?

3. pursuant to § 3 and § 22 to § 24 of the 2006 ECN Model Leniency Programme and Explanatory Notes 8, 41, 45 and 46 and taking account of the amendment introduced by paragraphs 24 to 26 of the 2012 ECN Model Leniency Programme and Explanatory Notes 44 and 49, an NCA which at the material time applied a leniency programme as described in the main proceedings could, with regard to a given secret cartel in respect of which the first undertaking has submitted or was about to submit to the Commission a main application for immunity, legitimately take receipt of: (a) only a simplified application for immunity from that undertaking; or (b) also additional simplified applications for immunity from various undertakings that had initially submitted to the Commission 'unacceptable' applications for immunity or applications for a reduction in the fine, in particular where the main applications submitted by the latter undertakings were made after the first undertaking was granted conditional immunity?

([1]) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

Request for a preliminary ruling from the Amtsgericht Karlsruhe (Germany) lodged on 23 September 2014 — Nabiel Peter Bogendorff von Wolffersdorff

(Case C-438/14)

(2014/C 462/22)

Language of the case: German

Referring court

Amtsgericht Karlsruhe

Parties to the main proceedings

Applicant: Nabiel Peter Bogendorff von Wolffersdorff

Other parties: Standesamt der Stadt Karlsruhe, Zentraler Juristischer Dienst der Stadt Karlsruhe

Question referred

Are Articles 18 TFEU and 21 TFEU to be interpreted as meaning that the authorities of a Member State are obliged to recognise the change of name of a national of that State if he is at the same time a national of another Member State and has acquired in that Member State, during habitual residence, by means of a change of name not associated with a change of family law status, a freely chosen name including several tokens of nobility, where it is possible that a future substantial link with that State does not exist and in the first Member State the nobility has been abolished by constitutional law but the titles of nobility used at the time of abolition may continue to be used as part of a name?

Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven (Netherlands) lodged on 24 September 2014 — Bayer CropScience SA-NV, Stichting De Bijenstichting v College voor de toelating van gewasbeschermingsmiddelen en biociden

(Case C-442/14)

(2014/C 462/23)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicants: Bayer CropScience SA-NV, Stichting De Bijenstichting

Defendant: College voor de toelating van gewasbeschermingsmiddelen en biociden

Questions referred

1. Do the provisions of Article 14 of Directive 91/414/EEC ([1]), and Article 63, respectively, read in conjunction with Article 59 of the Plant Protection Product Regulation ([2]) (No 1107/2009 of 21 October 2009) and Article 19 of Directive 98/8/EC ([3]), respectively, mean that a request for confidentiality, as referred to in the aforementioned Articles 14, 63 and 19 from an applicant referred to in those articles, must be decided on for each individual information source before or when granting the authorisation, or before or when amending the authorisation, respectively, by means of a decision which can be made known to interested third parties?

2. If the previous question is answered in the affirmative: must Article 4(2) of the Environmental Information Directive ([4]) be interpreted as meaning that in the absence of a decision as referred to in the previous question, the respondent, as a national authority, is obliged to disclose the environmental information requested when such a request is made after the granting of the authorisation or after the amendment of the authorisation respectively?

3. How must the term 'emissions into the environment' in Article 4(2) of the Environmental Information Directive be interpreted, given what the parties have stated in that regard in section 5.5 of this interlocutory judgment, against the background of the content of the documents as set out in section 5.2?

4. (a) Can data which provide an estimate of the release into the environment of a product, its active ingredient(s) and other components as a result of the use of the product be deemed to be 'information on emissions into the environment'?

   (b) If so, does it matter whether those data have been obtained by means of (semi-) field studies or other types of studies (such as, for example, laboratory studies and translocation studies)?

5. Can laboratory studies be deemed to be 'information on emissions into the environment' when the test is aimed at examining isolated aspects under standardised conditions and in that framework many factors, such as, for example (climatological influences) are excluded and the tests are often conducted with — in comparison with customary practice — high dosages?

6. In that regard, must residues after the application of the product in the experimental set-up, in, for example, the air or on the ground, leaves, pollen or nectar of a crop (which is derived from treated seed), in honey or on non-target organisms also be included under 'emissions into the environment'?