

Judgment of the Court (Grand Chamber) of 18 July 2017 (request for a preliminary ruling from the Kammergericht Berlin — Germany) — Konrad Erzberger v TUI AG

(Case C-566/15) ⁽¹⁾

(Reference for a preliminary ruling — Free movement of workers — Principle of non-discrimination — Election of workers' representatives to the supervisory board of a company — National legislation restricting the right to vote and to stand as a candidate to employees of establishments located in the national territory)

(2017/C 300/03)

Language of the case: German

Referring court

Kammergericht Berlin

Parties to the main proceedings

Applicant: Konrad Erzberger

Defendant: TUI AG

intervening parties: Vereinigung Cockpit e.V., Betriebsrat der Tui AG/Tui Group Services GmbH, Frank Jakobi, Andreas Barczewski, Peter Bremme, Dierk Hirschel, Michael Pönipp, Wilfried H. Rau, Carola Schwirn, Anette Stempel, Ortwin Strubelt, Marcell Witt, Wolfgang Flintermann, Stefan Weinhofer, ver.di -Vereinte Dienstleistungsgewerkschaft

Operative part of the judgment

Article 45 TFEU must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, under which the workers employed in the establishments of a group located in the territory of that Member State are deprived of the right to vote and to stand as a candidate in elections of workers' representatives to the supervisory board of the parent company of that group, which is established in that Member State, and as the case may be, of the right to act or to continue to act as representative on that board, where those workers leave their employment in such an establishment and are employed by a subsidiary belonging to the same group established in another Member State.

⁽¹⁾ OJ C 90, 7.3.2016.

Judgment of the Court (Second Chamber) of 20 July 2017 (request for a preliminary ruling from the Audiencia Provincial de Alicante — Spain) — Ornuo Co-operative Limited, formerly The Irish Dairy Board Co-operative Limited v Tindale & Stanton Ltd España, SL

(Case C-93/16) ⁽¹⁾

(Reference for a preliminary ruling — Intellectual property — EU trade mark — Unitary character — Regulation (EC) No 207/2009 — Article 9(1)(b) and (c) — Uniform protection of the right conferred by an EU trade mark against the likelihood of confusion and detriment to reputation — Peaceful coexistence of that mark with a national mark used by a third party in part of the European Union — Absence of peaceful coexistence elsewhere in the European Union — Perception of the average consumer — Differences of perception which may exist in different parts of the European Union)

(2017/C 300/04)

Language of the case: Spanish

Referring court

Audiencia Provincial de Alicante