

Judgment of the Court (Fourth Chamber) of 26 July 2017 (request for a preliminary ruling from the Korkein oikeus — Finland) — Hannele Hälvä, Sari Naukkarinen, Pirjo Paajanen, Satu Piik v SOS-Lapsikylä ry

(Case C-175/16) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2003/88/EC — Article 17 — Protection of the safety and health of workers — Organisation of working time — Additional payments — Child protection association — ‘Children’s village parents’ — Temporary absence of ‘foster parents’ — Workers employed as ‘relief parents’ — Definition)

(2017/C 309/12)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Applicants: Hannele Hälvä, Sari Naukkarinen, Pirjo Paajanen, Satu Piik

Defendant: SOS-Lapsikylä ry

Operative part of the judgment

Article 17(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time must be interpreted as meaning that it cannot apply to paid work, such as that at issue in the main proceedings, which consists in caring for children in a family-like environment, relieving the person principally responsible for that task, where it is not established that the working time as a whole is not measured or predetermined or it may be determined by the worker himself, which is for the national court to ascertain.

⁽¹⁾ OJ C 191, 30.5.2016.

Judgment of the Court (Sixth Chamber) of 26 July 2017 — Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co. KG v European Union Intellectual Property Office (EUIPO), Salumificio Fratelli Beretta SpA

(Case C-182/16 P) ⁽¹⁾

(Appeal — EU trade mark — Figurative trade mark containing the word element ‘STICK MiniMINI Beretta’ — Opposition by the proprietor of the EU word mark Mini Wini — Rejection of the opposition by the Board of Appeal of the European Union Intellectual Property Office (EUIPO) — Regulation (EC) No 207/2009 — Article 8(1)(b) — Likelihood of confusion — Level of attention of the relevant public — Independent distinctive role — Dominance — Criteria for assessing visual similarity — Obligation to state reasons)

(2017/C 309/13)

Language of the case: English

Parties

Appellant: Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co. KG (represented by: S. Labesius, Rechtsanwalt)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: M. Rajh, acting as Agent), Salumificio Fratelli Beretta SpA (represented by G. Ghisletti, F. Braga and P. Pozzi, avvocati)

Operative part of the judgment

The Court:

1. Dismisses the appeal;

2. Orders Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the Court (First Chamber) of 26 July 2017 (requests for a preliminary ruling from the Tribunale amministrativo regionale per le Marche — Italy) — Comune di Corridonia (C-196/16), Comune di Loro Piceno (C-197/16) and Others v Provincia di Macerata, Provincia di Macerata Settore 10 — Ambiente

(Joined Cases C-196/16 and C-197/16) ⁽¹⁾

(Reference for a preliminary ruling — Environment — Directive 85/337/EEC — Directive 2011/92/EU — Possibility of carrying out, a posteriori, an environmental impact assessment of an operational plant for the production of energy from biogas with a view to obtaining a new consent)

(2017/C 309/14)

Language of the cases: Italian

Referring court

Tribunale amministrativo regionale per le Marche

Parties to the main proceedings

Applicants: Comune di Corridonia (C-196/16), Comune di Loro Piceno (C-197/16), Marcello Bartolini (C-197/16), Filippo Bruè (C-197/16), Sergio Forti (C-197/16), Stefano Piatti (C-197/16), Gaetano Silvetti (C-197/16), Gianfranco Silvetti (C-197/16), Rocco Tirabasso (C-197/16), Sante Vagni (C-197/16), Albergo Ristorante Le Grazie Sas di Forti Sergio & Co. (C-197/16), Suolificio Elefante Srl (C-197/16), Suolificio Roxy Srl (C-197/16), Aldo Alessandrini (C-197/16)

Defendants: Provincia di Macerata, Provincia di Macerata Settore 10 — Ambiente

Intervening parties: VBIO1 Società Agricola Srl (C-196/16), Regione Marche, Agenzia Regionale per la Protezione Ambientale delle Marche — (ARPAM) — Dipartimento Provinciale di Macerata, ARPAM, VBIO2 Società Agricola Srl (C-197/16), Azienda Sanitaria Unica Regionale — Marche (ASUR Marche) (C-197/16), ASUR Marche — Area Vasta 3 (C-197/16), Comune di Colmurano (C-197/16), Comune di Loro Piceno (C-197/16)

Operative part of the judgment

In the event of failure to carry out an environmental impact assessment required under Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009, EU law, on the one hand, requires Member States to nullify the unlawful consequences of that failure and, on the other hand, does not preclude regularisation through the conducting of an impact assessment, after the plant concerned has been constructed and has entered into operation, on condition that:

— *national rules allowing for that regularisation do not provide the parties concerned with an opportunity to circumvent the rules of EU law or to dispense with applying them, and*

— *an assessment carried out for regularisation purposes is not conducted solely in respect of the plant's future environmental impact, but must also take into account its environmental impact from the time of its completion.*

⁽¹⁾ OJ C 251, 11.7.2016.