

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

**Judgment of the Court (Third Chamber) of 7 March 2013
— Swiss Confederation v European Commission, Federal
Republic of Germany, Landkreis Waldshut**(Case C-547/10 P) ⁽¹⁾

(Appeal — External relations — Agreement between the European Community and the Swiss Confederation on air transport — Regulation (EEC) No 2408/92 — Access of Community air carriers to intra-Community air routes — Articles 8 and 9 — Scope — Exercise of traffic rights — Decision 2004/12/EC — German measures relating to the approaches to Zurich Airport — Duty to state reasons — Non-discrimination — Proportionality — Burden of proof)

(2013/C 123/02)

Language of the case: German

Parties

Appellant: Swiss Confederation (represented by: S. Hirsbrunner, Rechtsanwalt)

Other parties to the proceedings: European Commission (represented by: T. van Rijn, K. Simonsson and K. P. Wojcik, Agents); Federal Republic of Germany (represented by T. Henze, Agent, assisted by T. Masing, Rechtsanwalt); Landkreis Waldshut, (represented by M. Núñez Müller, Rechtsanwalt)

Re:

Appeal against the judgment delivered by the General Court (Fifth Chamber) on 9 September 2010 in Case T-319/05 *Switzerland v Commission* by which that court dismissed the action brought by the Swiss Confederation for the annulment of Commission Decision 2004/12/EC of 5 December 2003 on a procedure relating to the application of Article 18(2), first sentence, of the Agreement between the European Community and the Swiss Confederation on air transport and Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes (OJ 1993 L 15, p. 33) — Measures adopted by Germany relating to the approaches to Zurich airport — Wrongful assessment of the applicability of Article 9(1) of Regulation (EEC) No 2408/92 to the contested measures — Misinterpretation of the scope of the Commission's obligation to state reasons — Failure to take account of the rights of the

airport operator and the people living around the airport — Infringement of the principles of non-discrimination and proportionality

Operative part of the judgment

The Court:

1. Dismisses the appeal.
2. Orders the Swiss Confederation to bear, in addition to its own costs, all of the costs incurred by the European Commission both at first instance and on appeal.
3. Orders the Federal Republic of Germany and Landkreis Waldshut to bear their own costs.

⁽¹⁾ OJ C 30, 29.1.2011.**Judgment of the Court (Fifth Chamber) of 7 March 2013
(request for a preliminary ruling from the arbeidshof te
Antwerpen — Belgium) — Aldegonda van den Booren v
Rijksdienst voor Pensioenen**(Case C-127/11) ⁽¹⁾

(Social security for migrant workers — Article 46a of Regulation (EEC) No 1408/71 — National rules against overlapping — Old-age pension — Increase in the amount paid by a Member State — Survivor's pension — Reduction in the amount paid by another Member State)

(2013/C 123/03)

Language of the case: Dutch

Referring court

Arbeidshof te Antwerpen