

Operative part of the judgment

1. Article 13(5) of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers must be interpreted as meaning, where a Member State has opted to grant the material reception conditions in the form of financial allowances or vouchers, that those allowances must be provided from the time the application for asylum is made, in accordance with the provisions of Article 13(1) of that directive, and must meet the minimum standards set out in Article 13(2) thereof. That Member State must ensure that the total amount of the financial allowances covering the material reception conditions is sufficient to ensure a dignified standard of living and adequate for the health of applicants and capable of ensuring their subsistence, enabling them in particular to find housing, having regard, if necessary, to the preservation of the interests of persons having specific needs, pursuant to Article 17 of that directive. The material reception conditions laid down in Article 14(1), (3), (5) and (8) of Directive 2003/9 do not apply to the Member States where they have opted to grant those conditions in the form of financial allowances only. Nevertheless, the amount of those allowances must be sufficient to enable minor children to be housed with their parents, so that the family unity of the asylum seekers may be maintained.
2. Directive 2003/9 must be interpreted as meaning that it does not preclude, where the accommodation facilities specifically for asylum seekers are overloaded, the Member States from referring the asylum seekers to bodies within the general public assistance system, provided that that system ensures that the minimum standards laid down in that directive as regards the asylum seekers are met.

⁽¹⁾ OJ C 114, 20.4.2013.

Judgment of the Court (Seventh Chamber) of 27 February 2014 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — HaTeFo GmbH v Finanzamt Haldensleben

(Case C-110/13) ⁽¹⁾

(Reference for a preliminary ruling — Company law — Recommendation 2003/361/EC — Definition of micro, small and medium-sized enterprises — Types of enterprises taken into consideration in calculating staff numbers and financial amounts — Linked enterprises — Notion of ‘group of natural persons acting jointly’)

(2014/C 112/17)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: HaTeFo GmbH

Defendant: Finanzamt Haldensleben

Re:

Request for a preliminary ruling — Bundesfinanzhof — Interpretation of the fourth subparagraph of Article 3(3) of the Annex to the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ 2003 L 124, p. 36) — Types of enterprises taken into consideration in calculating staff numbers and financial amounts — Linked enterprises — Notion of group of natural persons acting jointly.

Operative part of the judgment

The fourth subparagraph of Article 3(3) of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises must be interpreted as meaning that enterprises may be regarded as ‘linked’ for the purposes of that article where it is clear from the analysis of the legal and economic relations between them that, through a natural person or a group of natural persons acting jointly, they constitute a single economic unit, even though they do not formally have any of the relationships referred to in the first subparagraph of Article 3(3) of that annex.

Natural persons who work together in order to exercise an influence over the commercial decisions of the enterprises concerned which precludes those enterprises from being regarded as economically independent from each other are to be regarded as acting jointly for the purposes of the fourth subparagraph of Article 3(3) of that annex. Whether that condition is satisfied depends on the circumstances of the case and is not necessarily conditional on the existence of contractual relations between those persons or a finding that they intended to circumvent the definition of a micro, small or medium-sized enterprise within the meaning of that recommendation.

⁽¹⁾ OJ C 147, 25.5.2013.

Order of the Court (Third Chamber) of 30 January 2014 — *Industrias Alen SA de CV v The Clorox Company, Office for Harmonisation in the Internal Market (Trade Marks and Designs)*

(Case C-422/12 P) ⁽¹⁾

(Appeal — Article 181 of the Rules of Procedure — Community trade mark — Opposition proceedings — Application for Community word mark CLORALEX — Earlier national word mark CLOROX — Likelihood of confusion — Regulation (EC) No 207/2009 — Article 8(1)(b) — Cross-appeal — Article 176 of the Rules of Procedure — Requirement to introduce the cross-appeal by a separate document)

(2014/C 112/18)

Language of the case: Spanish

Parties

Appellant: *Industrias Alen SA de CV* (represented by: A. Padiál Martínez, abogada)

Other parties to the proceedings: *The Clorox Company* (represented by: S. Malynicz, Barrister), Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 10 July 2012 in Case T-135/11 *Clorox v OHIM — Industrias Alen (CLORALEX)*, by which that court annulled the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 16 December 2010 (Case R 521/2009-4).

Operative part of the order

1. *The main appeal and the cross-appeal are dismissed.*
2. *Industrias Alen SA de CV is ordered to bear its own costs and to pay the costs incurred by The Clorox Company.*
3. *The Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) is to bear its own costs.*

⁽¹⁾ OJ C 379, 8.12.2012.

Order of the Court (Eighth Chamber) of 16 January 2014 (requests for a preliminary ruling from the Debreceni Munkaügyi Bíróság and the Fővárosi Munkaügyi Bíróság (Hungary)) — *Dutka József (C-614/12) and Csilla Sajtos (C-10/13) v Mezőgazdasági és Vidékfejlesztési Hivatal (C-614/12) and Budapest Főváros VI. Ker. Önkormányzata (C-10/13)*

(Joined Cases C-614/12 and C-10/13) ⁽¹⁾

(Reference for a preliminary ruling — Article 30 of the Charter of Fundamental Rights of the European Union — Implementation of European Union law — Absence — Clear lack of jurisdiction of the Court)

(2014/C 112/19)

Language of the case: Hungarian