

for monitoring working conditions so as to allow its immediate consultation, provided that this obligation is necessary for the purposes of the performance by that authority of its task of monitoring the application of the legislation relating to working conditions, in particular as regards working time.

(<sup>1</sup>) OJ C 295, 29.9.2012.

## Judgment of the Court (Tenth Chamber) of 13 June 2013 — European Commission v Italian Republic

(Case C-345/12) (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Directive 2002/91/EC — Energy performance of buildings — Article 7(1) and (2), Article 9, Article 10 and Article 15(1) — Incorrect transposition — Failure to transpose within the prescribed period — Directive 2010/31/EU — Article 29)*

(2013/C 225/64)

Language of the case: Italian

### Parties

**Applicant:** European Commission (represented by: E. Montaguti and K. Herrmann, acting as Agents)

**Defendant:** Italian Republic (represented by: G. Palmieri, Agent, and by A. De Stefano, avvocato dello Stato)

### Re:

Failure to fulfil obligations — Failure to have taken, within the prescribed period, all the provisions necessary to comply with Article 7(1) and (2), Article 10 and Article 15(1) of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings (OJ 2003 L 1, p. 65), read in conjunction with Article 29 of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ 2010 L 153, p. 13)

### Operative part of the judgment

The Court:

1. Declares that, by failing to lay down an obligation to present, when buildings are sold or rented out, an energy performance certificate, in accordance with Articles 7 and 10 of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings, and in having failed to notify the European Commission of the measures transposing Article 9 of Directive 2002/91, the Italian Republic has failed to fulfil its obligations under Article 7(1) and (2), Article 10 and Article 15(1) of that directive, read

in conjunction with Article 29 of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings;

2. Orders the Italian Republic to pay the costs.

(<sup>1</sup>) OJ C 287, 22.9.2012.

## Judgment of the Court (Second Chamber) of 30 May 2013 (request for a preliminary ruling from the Conseil constitutionnel — France) — Jeremy F v Premier ministre

(Case C-168/13 PPU) (<sup>1</sup>)

*(Police and judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — Articles 27(4) and 28(3)(c) — European arrest warrant and surrender procedures between Member States — Speciality rule — Application for extension of the European arrest warrant on which the surrender was based or for onward surrender to another Member State — Decision of the judicial authority of the executing Member State to give consent — Appeal with suspensive effect — Whether permitted)*

(2013/C 225/65)

Language of the case: French

### Referring court

Conseil constitutionnel

### Parties to the main proceedings

**Applicant:** Jeremy F

**Defendant:** Premier ministre

### Re:

Request for a preliminary ruling — Conseil constitutionnel — Interpretation of Articles 27 and 28 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1) — Extension of the effects of a European arrest warrant — Existence in the requested Member State of an appeal against the decision of the executing judicial authority, in this case the indictment division of a court of appeal — Period of 30 days

### Operative part of the judgment

Articles 27(4) and 28(3)(c) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as not precluding Member States from providing for an appeal suspending execution of the decision of the judicial authority which rules, within 30 days from receipt of the request, on giving consent either to the prosecution, sentencing or detention with a view to the carrying out of a custodial sentence or detention

order of a person for an offence committed prior to his surrender pursuant to a European arrest warrant, other than that for which he was surrendered, or to the surrender of a person to a Member State other than the executing Member State, pursuant to a European arrest warrant issued for an offence committed prior to his surrender, provided that the final decision is adopted within the time-limits laid down in Article 17 of the Framework Decision.

(<sup>1</sup>) OJ C 156, 1.6.2013.

**Order of the Court (Second Chamber) of 21 March 2013**  
(request for a preliminary ruling from the Tribunal Cível da Comarca do Porto — Portugal) — **Maria Alice Pendão Lapa Costa Ferreira, Alexandra Pendão Lapa Ferreira v Companhia de Seguros Tranquilidade SA**

(Case C-229/10) (<sup>1</sup>)

**(Article 99 of the Rules of Procedure — Insurance against civil liability in respect of the use of motor vehicles — Directives 72/166/EEC, 84/5/EEC and 90/232/EEC — Right to compensation by means of compulsory insurance against civil liability in respect of the use of motor vehicles — Civil liability of the insured person — Victim's contribution to loss or injury — Exclusion or limitation of the right to compensation)**

(2013/C 225/66)

Language of the case: Portuguese

#### Referring court

Tribunal Cível da Comarca do Porto

#### Parties to the main proceedings

Applicants: Maria Alice Pendão Lapa Costa Ferreira, Alexandra Pendão Lapa Ferreira

Defendant: Companhia de Seguros Tranquilidade SA

#### Re:

Reference for a preliminary ruling — Tribunal Cível da Comarca do Porto — Interpretation of Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability (OJ, English Special Edition 1972 (II), p. 360); Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1984 L 8, p. 17); Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1990 L 129, p. 33, and in particular of Article 1a

thereof); Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive) (OJ 2000 L 181, p. 65); and Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005 amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles (OJ 2005 L 149, p. 14) — Provision of national law which, in the case of an accident caused by the conduct of the pedestrian alone who is the victim of the accident, excludes the liability for risk posed by the use of motor vehicles, and which allows the right to compensation of accident victims to be excluded or reduced, where there is concurrent fault, because the victim has contributed to the loss.

#### Operative part of the order

Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1984 L 8, p. 17), and the Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles must be interpreted as not precluding national provisions falling within civil liability law that allow exclusion or limitation of the right of the victim of an accident to claim compensation under the civil liability insurance of the motor vehicle involved in the accident, on the basis of an individual assessment of the exclusive or partial contribution of that victim to his own loss or injury.

(<sup>1</sup>) OJ C 195, 17.7.2010.

**Order of the Court (Eighth Chamber) of 16 May 2013 — Caixa Geral de Depósitos, SA v European Commission, Portuguese Republic**

(Case C-242/11 P) (<sup>1</sup>)

**(Appeal — Articles 149 and 181 of the Rules of Procedure of the Court of Justice — European Regional Development Fund (ERDF) — Global grant for local development in Portugal — Reduction of financial assistance — No need to adjudicate — Manifest inadmissibility)**

(2013/C 225/67)

Language of the case: Portuguese

#### Parties

Appellant: Caixa Geral de Depósitos, SA (represented by: N. Ruiz, advogado)