

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 6 October 2015 — European Commission v Jørgen Andersen, Kingdom of Denmark, Danske Statsbaner SV (DSB)

(Case C-303/13 P) ⁽¹⁾

(Appeal — Competition — State aid — Aid granted by the Danish authorities to the public undertaking Danske Statsbaner (DSB) — Public service contracts for the supply of passenger rail transport services between Copenhagen (Denmark) and Ystad (Sweden) — Decision declaring the aid compatible with the internal market subject to conditions — Temporal application of rules of substantive law)

(2015/C 389/02)

Language of the case: English

Parties

Appellant: European Commission (represented by: L. Armati and T. Maxian Rusche, acting as Agents)

Other parties to the proceedings: Jørgen Andersen (represented by: J. Rivas Andrés, G. van de Walle de Ghelcke and M. Nissen, *avocats*), Kingdom of Denmark (represented by: C. Thorning and V. Pasternak Jørgensen, acting as Agents, and by R. Holdgaard, *advokat*), Danske Statsbaner SV (DSB) (represented by: M. Honoré, *advokat*)

Intervener in support of Jørgen Andersen: Dansk Tog (represented by: G. van de Walle de Ghelcke, J. Rivas Andrés and M. Nissen, *avocats*)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union in *Andersen v Commission* (T-92/11, EU:T:2013:143) in so far as, by that judgment, as regards the aid paid from 3 December 2009 under the second public transport service contract concluded for the years 2005 to 2014, the General Court annulled the second paragraph of Article 1 of Commission Decision 2011/3/EU of 24 February 2010 concerning public transport service contracts between the Danish Ministry of Transport and Danske Statsbaner (Case C 41/08 (ex NN 35/08));
2. Dismisses the appeal as to the remainder;
3. Dismisses the cross-appeals;

4. Refers the case back to the General Court of the European Union for judgment, in the light of the three pleas of the application, taking account of Article 8(3) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, on the legality of Decision 2011/3 in so far as it declared that the aid paid from 3 December 2009 under the second public transport service contract concluded for the years 2005 to 2014 was compatible with the internal market;
5. Reserves the costs.

⁽¹⁾ OJ C 252, 31.8.2013.

Judgment of the Court (Grand Chamber) of 6 October 2015 (request for a preliminary ruling from the Tribunal d'instance de Bordeaux — France) — Thierry Delvigne v Commune de Lesparre-Médoc, Préfet de la Gironde

(Case C-650/13) ⁽¹⁾

(Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Articles 39 and 49 — European Parliament — Elections — Right to vote — Citizenship of the European Union — Retroactive effect of the more lenient criminal law — National legislation providing for the deprivation of the right to vote in the case of a criminal conviction by a final judgment delivered before 1 March 1994)

(2015/C 389/03)

Language of the case: French

Referring court

Tribunal d'instance de Bordeaux

Parties to the main proceedings

Applicant: Thierry Delvigne

Defendants: Commune de Lesparre-Médoc, Préfet de la Gironde

Operative part of the judgment

Article 39(2) and the last sentence of Article 49(1) of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, which excludes, by operation of law, from those entitled to vote in elections to the European Parliament persons who, like the applicant in the main proceedings, were convicted of a serious crime and whose conviction became final before 1 March 1994.

⁽¹⁾ OJ C 129, 28.4.2014.