

non-member country, when that length-of-residence requirement is not imposed in a respect of a child of EU nationality?

(<sup>1</sup>) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ... (OJ L 149, p. 2).

(<sup>2</sup>) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, p. 77).

**Reference for a preliminary ruling from the Ankenævnet for Uddannelsesstøtten (Denmark), lodged on 26 January 2012 — L.N.**

(Case C-46/12)

(2012/C 109/12)

*Language of the case: Danish*

**Referring tribunal**

Ankenævnet for Uddannelsesstøtten (Appeals Tribunal, the Danish Students' Grants and Loans Scheme)

**Party to the main proceedings**

*Applicant: L.N.*

**Question referred**

Does Article 7(1)(c), read in conjunction with Article 24(2), of the Directive on residence) (<sup>1</sup>) mean that a Member State (host Member State), in the assessment of whether a person must be deemed to be a worker entitled to education assistance, may take account of the fact that the person entered the host Member State for the principal purpose of following a course of study, with the result that the host Member State is not obliged to grant education assistance aid for studies to that person (see aforementioned Article 24(2) of the Directive on residence)?

(<sup>1</sup>) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77).

**Reference for a preliminary ruling from the Vrchní soud v Praze (Czech Republic) lodged on 7 February 2012 — Marián Baláz**

(Case C-60/12)

(2012/C 109/13)

*Language of the case: Czech*

**Referring court**

Vrchní soud v Praze

**Party to the main proceedings**

*Appellant: Marián Baláz*

**Questions referred**

1. Must the term 'court having jurisdiction in particular in criminal matters' in Article 1(a)(iii) of Council Framework Decision 2005/214/JHA of 24 February 2005 (<sup>1</sup>) on the application of the principle of mutual recognition to financial penalties ('the Framework Decision') be interpreted as an autonomous concept of European Union law?
  - 2(a) If the answer to the first question is in the affirmative, what general defining characteristics must a court of a State which can, on the initiative of the person concerned, hear that person's case in relation to a decision issued by an authority other than a court of law (an administrative authority) have in order to qualify as a 'court having jurisdiction in particular in criminal matters' within the meaning of Article 1(a)(iii) of the Framework Decision?
  - 2(b) May an Austrian independent administrative tribunal (Unabhängiger Verwaltungssenat) be regarded as a 'court having jurisdiction in particular in criminal matters' within the meaning of Article 1(a)(iii) of the Framework Decision?
  - 2(c) If the answer to the first question is in the negative, must the term 'court having jurisdiction in particular in criminal matters' within the meaning of Article 1(a)(iii) of the Framework Decision be interpreted by the competent authority of the executing State under the law of the State whose authority issued a decision within the meaning of Article 1(a)(iii) of the Framework Decision, or under the law of the State deciding on the recognition and enforcement of such a decision?
3. Is the 'opportunity to have the case tried' before a 'court having jurisdiction in particular in criminal matters' under Article 1(a)(iii) of the Framework Decision maintained even if the person concerned cannot have a case tried before a 'court having jurisdiction in particular in criminal matters' directly, but must first contest a decision of an authority other than a court of law (an administrative authority), the submission of such a contestation rendering that authority's decision ineffective and leading to the initiation of an ordinary procedure before the same authority, and only against its decision in that ordinary procedure may an appeal be brought before a 'court having jurisdiction in particular in criminal matters'?

In relation to maintaining the ‘opportunity to have the case tried’, is it necessary to decide questions of whether an appeal heard by a ‘court having jurisdiction in particular in criminal matters’ is in the nature of an ordinary appeal (i.e. an appeal against a decision not yet final) or an extraordinary appeal (i.e. an appeal against a final decision) and whether a ‘court having jurisdiction in particular in criminal matters’, on the basis of that appeal, has the authority to review the case in its entirety both in fact and in law?

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(<sup>1</sup>) OJ 2005 L 76, p. 16.

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**Order of the President of the Court of 27 January 2012 (reference for a preliminary ruling from the Verwaltungsgericht Berlin — Germany) — Yasar Erdil v Land Berlin**

(Case C-420/08) (<sup>1</sup>)

(2012/C 109/14)

*Language of the case: German*

The President of the Court has ordered that the case be removed from the register.

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(<sup>1</sup>) OJ C 327, 20.12.2008.

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**Order of the President of the Sixth of the Court of 15 December 2011 — European Commission v Portuguese Republic**

(Case C-533/09) (<sup>1</sup>)

(2012/C 109/15)

*Language of the case: Portuguese*

The President of the Sixth Chamber has ordered that the case be removed from the register.

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(<sup>1</sup>) OJ C 51, 27.2.2010.

**Order of the President of the Court of 30 January 2012 — European Commission v Republic of Austria**

(Case C-516/10) (<sup>1</sup>)

(2012/C 109/16)

*Language of the case: German*

The President of the Court has ordered that the case be removed from the register.

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(<sup>1</sup>) OJ C 13, 15.1.2011.

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**Order of the President of the Seventh Chamber of the Court of 20 January 2012 — European Commission v Hungary**

(Case C-575/10) (<sup>1</sup>)

(2012/C 109/17)

*Language of the case: Hungarian*

The President of the Seventh Chamber has ordered that the case be removed from the register.

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(<sup>1</sup>) OJ C 72, 5.3.2011.

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**Order of the President of the Court of 31 January 2012 (reference for a preliminary ruling from the Oberlandesgericht Oldenburg — Germany) — Johann Bilker, Heidrun Ohle, Ursula Kohls-Ohle v EWE AG**

(Case C-8/11) (<sup>1</sup>)

(2012/C 109/18)

*Language of the case: German*

The President of the Court has ordered that the case be removed from the register.

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(<sup>1</sup>) OJ C 113, 9.4.2011.