

Other party to the proceedings: European Commission (represented by: L. Bouyon and H. van Vliet, Agents)

Defendant: Nationale Nederlanden Vida Compañía de Seguros y Reaseguros S.A.E.

Re:

Appeal against the judgment of 29 September 2009 of the Court of First Instance (First Chamber) in Joined Cases T-225/07 and T-364/07 *Thomson Sales Europe v Commission* by which the Court dismissed the appellant's action for annulment of Commission Decision REM No 03/05 of 7 May 2007 informing the French authorities that remission of import duties on the colour television receivers manufactured in Thailand covered by their application of 14 September 2005 was not justified, and for annulment of the Commission's letter of 20 July 2007 not confirming entitlement to a waiver of post-clearance recovery of import duties on those items — Procedure relating to the application for remission of duties claimed on the basis of Article 239 of the Customs Code and for waiver of post-clearance recovery of those duties on the basis of Article 220(2)(b) of the Code — Failure to respect the rights of the defence — Error in the legal characterisation of the facts

Operative part of the order

1. *The appeal is dismissed;*
2. *Thomson Sales Europe shall pay the costs.*

⁽¹⁾ OJ C 80, of 27.03.2010.

Reference for a preliminary ruling from the Audiencia Provincial de Oviedo (Spain) lodged on 13 July 2010 — Ángel Lorenzo González Alonso v Nationale Nederlanden Vida Compañía de Seguros y Reaseguros S.A.E.

(Case C-352/10)

(2010/C 288/29)

Language of the case: Spanish

Referring court

Audiencia Provincial de Oviedo

Parties to the main proceedings

Applicant: Ángel Lorenzo González Alonso

Question referred

Must Article 3(2)(d) of Council Directive 85/577/EEC ⁽¹⁾ of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises be interpreted restrictively so as not to cover a contract, concluded away from business premises, under which life assurance is offered in return for payment of a monthly premium to be invested, in varying proportions, in fixed-rate investments, variable-rate investments and financial investment products of the company itself?

⁽¹⁾ OJ 1985 L 372, p. 31.

Reference for a preliminary ruling from the Rechtbank van eerste aanleg te Brussel (Belgium) lodged on 19 July 2010 — Belgische Vereniging van Auteurs, Componisten en Uitgevers (Sabam) v Netlog NV

(Case C-360/10)

(2010/C 288/30)

Language of the case: Dutch

Referring court

Rechtbank van eerste aanleg te Brussel

Parties to the main proceedings

Applicant: Belgische Vereniging van Auteurs, Componisten en Uitgevers (Sabam)

Defendant: Netlog NV

Question referred

Do Directives 2001/29 ⁽¹⁾ and 2004/48, ⁽²⁾ in conjunction with Directives 95/46, ⁽³⁾ 2000/31 ⁽⁴⁾ and 2002/58, ⁽⁵⁾ construed in particular in the light of Articles 8 and 10 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, permit Member States to authorise a national court, before which substantive proceedings have been brought and on the basis merely of a statutory provision stating that: 'They [the national courts] may also

issue an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right', to order a hosting service provider to introduce, for all its customers, in abstracto and as a preventive measure, at its own cost and for an unlimited period, a system for filtering most of the information which is stored on its servers in order to identify on its servers electronic files containing musical, cinematographic or audio-visual work in respect of which SABAM claims to hold rights, and subsequently to block the exchange of such files?

⁽¹⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

⁽²⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights (OJ 2004 L 157, p. 45).

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31).

⁽⁴⁾ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ 2000 L 178, p. 1).

⁽⁵⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ 2002 L 201, p. 37).

Reference for a preliminary ruling from the Tribunal Judicial de Póvoa de Lanhoso (Portugal) lodged on 21 July 2010 — Maria de Jesus Barbosa Rodrigues v Companhia de Seguros Zurich SA

(Case C-363/10)

(2010/C 288/31)

Language of the case: Portuguese

Referring court

Tribunal Judicial de Póvoa de Lanhoso

Parties to the main proceedings

Applicant: Maria de Jesus Barbosa Rodrigues

Defendant: Companhia de Seguros Zurich SA

Question referred

In a motor-vehicle collision in which none of the drivers is liable for the accident on the basis of fault, and which has resulted in the death of one them, is it contrary to Community law, in particular Article 3(1) of the First Directive (Directive 72/166/EEC), ⁽¹⁾ Article 2(1) of the Second Directive (84/5/EEC) ⁽²⁾ and Article 1 of the Third Directive (90/232/EEC), ⁽³⁾ as those provisions have been interpreted by the Court of Justice of the European Communities, for it to be possible to apportion liability for risk (Article 506(1) and (2) of the Código Civil) with a direct impact on the amount of compensation to be awarded to the persons having a right to compensation — the victim's parents — (since that apportionment of liability for risk will entail a commensurate reduction in the amount of compensation)?

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ 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).

Action brought on 22 July 2010 — European Commission v Republic of Slovenia

(Case C-365/10)

(2010/C 288/32)

Language of the case: Slovene

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and D. Kukovec, Agents)

Defendant: Republic of Slovenia

Form of order sought

— A declaration that, because for several years running the limit values for annual and daily concentrations of PM10 in ambient air have been exceeded, the Republic of Slovenia has failed to fulfil its obligations under Article 5(1) of