

Parties to the main proceedings

Applicant: SC Paper Consult SRL

Defendants: Direcția Regională a Finanțelor Publice Cluj-Napoca, Administrația Județeană a Finanțelor Publice Bistrița-Năsăud

Operative part of the judgment

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as precluding national rules, such as those at issue in the main proceedings, under which the right to deduct value added tax is refused to a taxable person on the ground that the trader which supplied a service to that taxable person and issued a corresponding invoice, on which the expenditure and the value added tax are indicated separately, has been declared inactive by the tax authorities of a Member State, that declaration of inactivity being public and accessible on the internet to any taxable person in that State, in the case where that refusal of the right to deduct is systematic and final, making it impossible to adduce evidence that there was no tax evasion or loss of tax revenue.

⁽¹⁾ OJ C 175, 17.5.2016.

Judgment of the Court (Grand Chamber) of 17 October 2017 (request for a preliminary ruling from the Riigikohus — Estonia) — Bolagsupplysningen OÜ, Ingrid Ilsjan v Svensk Handel AB

(Case C-194/16) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 1215/2012 — Article 7(2) — Special jurisdiction in matters relating to tort, delict or quasi-delict — Infringement of the rights of a legal person by the publication on the internet of allegedly incorrect information concerning that person and by the failure to remove comments relating to that person — Place where the damage occurred — Centre of interests of that person)

(2017/C 424/05)

Language of the case: Estonian

Referring court

Riigikohus

Parties to the main proceedings

Applicants: Bolagsupplysningen OÜ, Ingrid Ilsjan

Defendant: Svensk Handel AB

Operative part of the judgment

1. Article 7(2) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that a legal person claiming that its personality rights have been infringed by the publication of incorrect information concerning it on the internet and by a failure to remove comments relating to that person can bring an action for rectification of that information, removal of those comments and compensation in respect of all the damage sustained before the courts of the Member State in which its centre of interests is located.

When the relevant legal person carries out the main part of its activities in a different Member State from the one in which its registered office is located, that person may sue the alleged perpetrator of the injury in that other Member State by virtue of it being where the damage occurred.

2. Article 7(2) of Regulation No 1215/2012 must be interpreted as meaning that a person who alleges that his personality rights have been infringed by the publication of incorrect information concerning him on the internet and by the failure to remove comments relating to him cannot bring an action for rectification of that information and removal of those comments before the courts of each Member State in which the information published on the internet is or was accessible.

⁽¹⁾ OJ C 211, 13.6.2016.

Judgment of the Court (Fifth Chamber) of 19 October 2017 — Agriconsulting Europe SA v European Commission

(Case C-198/16 P) ⁽¹⁾

(Appeal — Non-contractual liability of the European Union — Public service contract — Operational technical assistance to set up and manage a network facility for the implementation of the European Innovation Partnership ‘Agricultural Productivity and Sustainability’ — Rejection of a tenderer’s bid — Abnormally low bid — Adversarial procedure)

(2017/C 424/06)

Language of the case: Italian

Parties

Appellant: Agriconsulting Europe SA (represented by: R. Sciaudone, avvocato)

Other party to the proceedings: European Commission (represented by: L. Di Paolo and F. Moro, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Agriconsulting Europe SA to pay the costs.

⁽¹⁾ OJ C 279, 1.8.2016.

Judgment of the Court (Tenth Chamber) of 19 October 2017 (request for a preliminary ruling from the Supremo Tribunal de Justiça — Portugal) — Securitas — Serviços e Tecnologia de Segurança SA v ICTS Portugal — Consultadoria de Aviação Comercial SA, Arthur George Resendes and Others

(Case C-200/16) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — Transfers of undertakings or businesses — Safeguarding of employees’ rights — Obligation on the transferee to take on workers — Provision of security guard services carried out by an undertaking — Call for tenders — Award of the contract to another undertaking — Employees not taken on — National provision excluding from the ‘concept of a transfer of an undertaking or business’ the loss of a customer by an operator following the award of a service contract to another operator)

(2017/C 424/07)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça