

Re:

Reference for a preliminary ruling — Supreme Court — Interpretation of Article 22(2) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Medical trade union constituted in the form of a company under the law of a Member State, which provides assistance and indemnity to its members practising in the Member State and in another Member State — Provision of the assistance/indemnity dependent on a decision taken by the board of directors of that company under an absolute discretionary power — Challenge to a decision refusing assistance or indemnity to a doctor practising in the other Member State — Exclusive jurisdiction of the courts of the State in which the company has its seat on the basis of Article 22(2) of the regulation

Operative part of the judgment

Point 2 of Article 22 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters is to be interpreted as meaning that proceedings, such as those at issue before the referring court, in the context of which one of the parties alleges that a decision adopted by an organ of a company has infringed rights that it claims under that company's Articles of Association, do not concern the validity of the decisions of the organs of a company within the meaning of that provision.

⁽¹⁾ OJ C 283, 24.11.2007.

Judgment of the Court (Third Chamber) of 9 October 2008 (reference for a preliminary ruling from the Fővárosi Bíróság, Republic of Hungary) — Criminal proceedings brought by György Katz against István Roland Sós

(Case C-404/07) ⁽¹⁾

(Police and judicial cooperation in criminal matters — Framework Decision 2001/220/JHA — Standing of victims in criminal proceedings — Private prosecutor in substitution for the public prosecutor — Testimony of the victim as a witness)

(2008/C 301/20)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties in the criminal proceedings

György Katz against István Roland Sós

Re:

Reference for a preliminary ruling — Fővárosi Bíróság — Interpretation of Articles 2 and 3 of Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (OJ 2001 L 82, p. 1) — National legislation precluding the possibility of the victim giving evidence in criminal proceedings instituted by the victim as a substitute private prosecutor

Operative part of the judgment

Articles 2 and 3 of Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings are to be interpreted as not obliging a national court to permit the victim to be heard as a witness in criminal proceedings instituted by a substitute private prosecution such as that in issue in the main proceedings. However, in the absence of such a possibility, it must be possible for the victim to be permitted to give testimony which can be taken into account as evidence.

⁽¹⁾ OJ C 283, 24.11.2007.

Judgment of the Court (Fifth Chamber) of 2 October 2008 (reference for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — X B.V. v Staatssecretaris van Financiën

(Case C-411/07) ⁽¹⁾

(Common Customs Tariff — Combined Nomenclature — Tariff classification — Headings 8541, 8542 and 8543 — Optocouplers)

(2008/C 301/21)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: X B.V.

Defendant: Staatssecretaris van Financiën

Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Commission Regulation (EC) No 1832/2002 of 1 August 2002 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2002 L 290, p. 1) — Optical-electrical circuit that is an integral part of a machine enclosed in a plastic case containing a light emitting diode ('LED'), a plastic film and a photodetector and amplifying circuit and is intended for incorporation in communication and computer equipment, consumer electronics and industrial machines — Headings 8541, 8542 and 8543 of the CN

Operative part of the judgment

The Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 1832/2002 of 1 August 2002, must be interpreted as meaning that an optocoupler, regardless of whether not it contains an amplifying circuit, falls within heading 8541.

(¹) OJ C 283, 24.11.2007.

Judgment of the Court (Third Chamber) of 25 September 2008 (reference for a preliminary ruling from the Verwaltungsgericht Gießen — Germany) — Hakan Er v Wetteraukreis

(Case C-453/07) (¹)

(EEC-Turkey Association Agreement — Decision No 1/80 of the Association Council — Article 7, first paragraph, second indent — Right of residence of the adult child of a Turkish worker — Absence of paid employment — Conditions governing the loss of acquired rights)

(2008/C 301/22)

Language of the case: German

Referring court

Verwaltungsgericht Gießen

Parties to the main proceedings

Applicant: Hakan Er

Defendant: Wetteraukreis

Re:

Reference for a preliminary ruling — Verwaltungsgericht Gießen — Interpretation of the second indent of the first paragraph of

Article 7 of Decision No 1/80 of the Association Council of 19 September 1980 on the Development of the Association and of Article 59 of the Additional Protocol on the transitional phase laid down under the Agreement establishing an Association between the European Economic Community and Turkey, signed on 23 November 1970 and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972 (JO 1972 L 293, p. 1) — Right of residence of a Turkish national who entered the territory of a Member State as a minor for the purpose of family reunification — Loss of the right of residence — No lawful pursuit of an economic activity after the party in question attained majority

Operative part of the judgment

A Turkish national, who was authorised to enter the territory of a Member State as a child in the context of a family reunion, and who has acquired the right to take up freely any paid employment of his choice under the second indent of the first paragraph of Article 7 of Decision No 1/80 of 19 September 1980 on the Development of the Association, adopted by the Association Council established by the Association Agreement between the European Economic Community and Turkey, does not lose the right of residence in that State, which is the corollary of that right of free access, even though, at the age of 23, he has not been in paid employment since leaving school at the age of 16 and has taken part in government job-support schemes without, however, completing them.

(¹) OJ C 297, 8.12.2007.

Judgment of the Court (Sixth Chamber) of 2 October 2008 — Commission of the European Communities v Hellenic Republic

(Case C-36/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 93/16/EEC — Specific training required to practise as a general practitioner — Incorrect transposition)

(2008/C 301/23)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: G. Zavvos and H. Støvlbæk, acting as Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, acting as Agent)