

Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden (Netherlands) — Interpretation of Article 27 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty, as amended by Regulation (EEC) No 3357/91 (OJ 1991 L 105, p. 1) — Consignments dispatched direct from a third country to a consignee in the Community, each of negligible value but dispatched as a grouped consignment with a combined intrinsic value which exceeds the maximum value prescribed by law

Operative part of the judgment

Article 27 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty, as amended by Regulation (EEC) No 3357/91 of 7 November 1991, does not preclude grouped consignments of goods, with a combined intrinsic value which exceeds the value threshold laid down in Article 27, but which are individually of negligible value, from being admitted free of import duties, provided that each parcel of the grouped consignment is addressed individually to a consignee within the European Community. In that respect, the fact that the contractual partner of those consignees is itself established in the European Community is not relevant where the goods are dispatched directly from a third country to those consignees.

(¹) OJ C 92, 12.04.2008.

Judgment of the Court (Third Chamber) of 25 June 2009 (reference for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción No 5, San Javier — Spain) — Roda Golf & Beach Resort SL

(Case C-14/08) (¹)

(Judicial cooperation in civil matters — Preliminary references — Jurisdiction of the Court — Definition of ‘dispute’ — Regulation (EC) No 1348/2000 — Service of extrajudicial documents in the absence of legal proceedings — Notarial act)

(2009/C 205/10)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia e Instrucción No 5, San Javier

Parties to the main proceedings

Roda Golf & Beach Resort SL

Re:

Reference for a preliminary ruling — Juzgado de Primera Instancia e Instrucción No 5, San Javier — Interpretation of

Article 16 of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (OJ 2000 L 160, p. 37) — Service of extrajudicial documents exclusively by and to private persons using the physical and personal resources of courts of the European Union outside of any court proceedings

Operative part of the judgment

The service of a notarial act, in the absence of legal proceedings, such as that at issue in the main proceedings, falls within the scope of Council Regulation (EC) No 1348/2000 of 29 May 2002 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

(¹) OJ C 92, 12.04.2008.

Judgment of the Court (First Chamber) of 2 July 2009 (Reference for a preliminary ruling from the Juzgado de lo Mercantil nº 1 de Alicante y nº 1 de Marca Comunitaria — Spain) — Fundación Española para la Innovación de la Artesanía (FEIA) v Cul de Sac Espacio Creativo SL, Acierta Product Position SA

(Case C-32/08) (¹)

(Regulation (EC) No 6/2002 — Community designs — Articles 14 and 88 — Proprietor of the right to the Community design — Unregistered design — Commissioned design)

(2009/C 205/11)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil nº 1 de Alicante y nº 1 de Marca Comunitaria

Parties to the main proceedings

Applicant: Fundación Española para la Innovación de la Artesanía (FEIA)

Defendants: Cul de Sac Espacio Creativo SL, Acierta Product Position SA

Re:

Reference for a preliminary ruling — Juzgado de lo Mercantil nº 1 de Alicante y nº 1 de Marca Comunitaria — Interpretation of Articles 14(1) and (3) and 88(2) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ 2002 L 3, p. 1) — Proprietor of the rights — Right vesting in the employer or in the employed designer — Definitions

Operative part of the judgment

1. Article 14(3) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs does not apply to Community designs that have been produced as a result of a commission.
2. In circumstances such as those of the main proceedings, Article 14(1) of Regulation No 6/2002 must be interpreted as meaning that the right to the Community design vests in the designer, unless it has been assigned by way of contract to his successor in title.

(¹) OJ C 92, 12.4.2008.

**Judgment of the Court (First Chamber) of 2 July 2009
(reference for a preliminary ruling from the Högsta domstolen (Sweden)) — SCT Industri AB i likvidation v Alpenblume AB**

(Case C-111/08) (¹)

(Judicial cooperation in civil matters — Jurisdiction and enforcement of judgments — Scope — Insolvency)

(2009/C 205/12)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Applicant: SCT Industri AB i likvidation

Defendant: Alpenblume AB

Re:

Reference for a preliminary ruling — Högsta domstolen — Interpretation of Article 1(2)(b) 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) — Judgment of a court in Member State A ruling that the liquidator in insolvency proceedings in Member State B does not have power to transfer the assets of the company in liquidation located in Member State A — Action for recovery of property brought by the transferee company to recover the shares in a company which it had acquired in the insolvency proceedings but which were taken back by the transferring company pursuant to the judgment annulling the transfer

Operative part of the judgment

The exception provided for in Article 1(2)(b) of Council Regulation No 44/2001 (EC) of 22 December 2000 on jurisdiction and the recog-

ognition and enforcement of judgments in civil and commercial matters must be interpreted as applying to a judgment of a court of Member State A regarding registration of ownership of shares in a company having its registered office in Member State A, according to which the transfer of those shares was to be regarded as invalid on the ground that the court of Member State A did not recognise the powers of a liquidator from a Member State B in the context of insolvency proceedings conducted and closed in Member State B.

(¹) OJ C 116, 09.05.2008.

**Judgment of the Court (Fourth Chamber) of 9 July 2009
(Reference for a preliminary ruling from the Bundesgerichtshof — Germany) — Peter Rehder v Air Baltic Corporation**

(Case C-204/08) (¹)

(Regulation (EC) No 44/2001 — Second indent of Article 5(1)(b) — Regulation (EC) No 261/2004 — Articles 5(1)(c) and 7(1)(a) — Montreal Convention — Article 33(1) — Air transport — Passenger claims for compensation against airlines in the case of flight cancellation — Place of performance of the service — Jurisdiction in the case of air transport from one Member State to another Member State by an airline established in a third Member State)

(2009/C 205/13)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Peter Rehder

Defendant: Air Baltic Corporation

Re:

Reference for a preliminary ruling — Bundesgerichtshof — Interpretation of the second indent of Article 5(1)(b) 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) — Compensation under Article 7(1)(a) of Regulation (EC) No 261/2004 claimed by a passenger residing in a Member State from an air carrier established in another Member State following cancellation of a flight between the first Member State and a third member State — Jurisdiction of the courts of the Member State where the passenger resides — Determination of 'the place in a Member State where, under the contract, the services were provided or should have been provided'.