

environment of genetically modified organisms and repealing Council Directive 90/220/EEC, and under Articles 4(4) and 16 of Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species.

2. Dismisses the action as to the remainder.
3. Orders the Republic of Poland to bear its own costs and to pay two-thirds of the costs incurred by the Commission.
4. Orders the Commission to bear one-third of its own costs.

(¹) OJ C 183, 19.7.2008.

Judgment of the Court (Third Chamber) of 16 July 2009 (Reference for a preliminary ruling from the Cour de cassation — France) — Laszlo Hadadi (Hadady) v Csilla Marta Mesko, married name Hadadi (Hadady)

(Case C-168/08) (¹)

(Judicial cooperation in civil matters — Regulation (EC) No 2201/2003 — Jurisdiction, recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility — Article 64 — Transitional provisions — Application to a judgment given in a Member State which acceded to the European Union in 2004 — Article 3(1) — Jurisdiction in matters relating to divorce — Relevant connecting factors — Habitual residence — Nationality — Spouses residing in France and each holding French and Hungarian nationality)

(2009/C 220/17)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Laszlo Hadadi (Hadady)

Defendant: Csilla Marta Mesko, married name Hadadi (Hadady)

Re:

Reference for a preliminary ruling — Cour de Cassation (France) — Interpretation of Article 2 of Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses (OJ 2000 L 160, p. 19) and of Articles 3 and 64 of Council Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003 L 338, p. 1) — Conditions for the recognition of a divorce

judgment — Relevant connecting factors: residence or nationality of the parties

Operative part of the judgment

1. Where the court of the Member State addressed must verify, pursuant to Article 64(4) of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Council Regulation (EC) No 1347/2000, whether the court of the Member State of origin of a judgment would have had jurisdiction under Article 3(1)(b) of that regulation, the latter provision precludes the court of the Member State addressed from regarding spouses who each hold the nationality both of that State and of the Member State of origin as nationals only of the Member State addressed. That court must, on the contrary, take into account the fact that the spouses also hold the nationality of the Member State of origin and that, therefore, the courts of the latter could have had jurisdiction to hear the case.
2. Where spouses each hold the nationality of the same two Member States, Article 3(1)(b) of Regulation No 2201/2003 precludes the jurisdiction of the courts of one of those Member States from being rejected on the ground that the applicant does not put forward other links with that State. On the contrary, the courts of those Member States of which the spouses hold the nationality have jurisdiction under that provision and the spouses may seise the court of the Member State of their choice.

(¹) OJ C 158, 21.6.2008.

Judgment of the Court (First Chamber) of 16 July 2009 (Reference for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Zuid-Chemie BV v Filippo's Mineralenfabriek NV/SA

(Case C-189/08) (¹)

(Judicial cooperation in civil and commercial matters — Jurisdiction and enforcement of judgments — Regulation (EC) No 44/2001 — Definition of the 'place where the harmful event occurred')

(2009/C 220/18)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Zuid-Chemie BV

Defendant: Filippo's Mineralenfabriek NV/SA