

Republic of Austria has failed to fulfil its obligations under Article 11(1)(c) of that Directive;

2. Orders the Republic of Austria to pay the costs.

(¹) OJ C 327, 20.12.2008.

**Judgment of the Court (Eighth Chamber) of 23 April 2009
— Commission of the European Communities v Hellenic Republic**

(Case C-493/08) (¹)

(Failure of a Member State to fulfil obligations — Directive 2005/56/EC — Cross-border mergers of limited liability companies — Failure to transpose within the prescribed period)

(2009/C 141/33)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: I. Dimitriou and P. Dejmek, acting as Agents)

Defendant: Hellenic Republic (represented by: N. Dafniou, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the prescribed period, the measures necessary to comply with Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies (OJ 2005 L 310, p. 1)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies, the Hellenic Republic has failed to fulfil its obligations under the first paragraph of Article 19 of that directive;

2. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 6, 10.01.2009.

**Order of the Court (Second Chamber) of 24 March 2009
(reference for a preliminary ruling from the Rechtbank van koophandel Hasselt (Belgium)) — NV de Nationale Loterij v BVBA Customer Service Agency**

(Case C-525/06) (¹)

(Appeal against a judgment making a reference for a preliminary ruling — Appeal court giving judgment itself in the main proceedings — No need to reply)

(2009/C 141/34)

Language of the case: Dutch

Referring court

Rechtbank van koophandel Hasselt

Parties to the main proceedings

Applicant: NV de Nationale Loterij

Defendant: BVBA Customer Service Agency

Re:

Reference for a preliminary ruling — Rechtbank van koophandel te Hasselt — Interpretation of Article 49 EC — National lottery holding on the territory of a Member State a statutory monopoly seeking to limit addiction to gambling but advertising regularly in order to promote participation in the lottery — National legislation prohibiting the sale by other undertakings seeking to make a profit, without authorisation of the national lottery, of group participation forms

Operative part

There is no need to reply to the reference for a preliminary ruling in Case C-525/06.

(¹) OJ C 42, 24.2.2007.

Order of the Court of 20 January 2009 — Mebrom NV v Commission of the European Communities

(Case C-374/07 P) (¹)

(Appeal — Non-contractual liability of the Commission — Certain and actual loss — Distortion of the clear sense of the facts and the evidence — Burden of proof)

(2009/C 141/35)

Language of the case: English

Parties

Appellant: Mebrom NV (represented by: K. Van Maldegem and C. Mereu, avocats)

Other party to the proceedings: Commission of the European Communities (represented by: X. Lewis, Agent)