

Parties to the main proceedings

Applicants: Olivier Martinez, Robert Martinez

Defendants: Société MGN Limited

Question referred

Must Article 2 and Article 5(3) 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 ⁽¹⁾ be interpreted to mean that a court or tribunal of a Member State has jurisdiction to hear an action brought in respect on an infringement of personal rights allegedly committed by the placing on-line of information and/or photographs on an Internet site published in another Member State by a company domiciled in that second State — or in a third Member State, but in any event in a State other than the first Member State —:

- On the sole condition that that Internet site can be accessed from the first Member State,
- On the sole condition that there is between the harmful act and the territory of the first Member State a link which is sufficient, substantial or significant and, in that case, whether that link can be created by:
 - the number of hits on the page at issue made from the first Member State, as an absolute figure or as a proportion of all hits on that page,
 - the residence, or nationality, of the person who complains of the infringement of his personal rights or more generally of the persons concerned,
 - the language in which the information at issue is broadcast or any other factor which may demonstrate the site publisher's intention to address specifically the public of the first Member State,
 - the place where the events described occurred and/or where the photographic images put on-line were taken,
 - other criteria?

⁽¹⁾ OJ 2001, L 12, p. 1.

Action brought on 27 July 2009 — Commission of the European Communities v Ireland

(Case C-294/09)

(2009/C 220/57)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: G. Braun, A.-A. Gilly, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2006/43/EC ⁽¹⁾ of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EC and repealing Council Directive 84/253/EEC or, in any event, by failing to communicate them to the Commission, Ireland has failed to fulfil its obligations under the Directive;
- order Ireland to pay the costs.

Pleas in law and main arguments

The period within which the directive had to be transposed expired on 29 June 2008.

⁽¹⁾ OJ L 157, p. 87

Order of the President of the Court of 26 March 2009 — Commission of the European Communities v Kingdom of Spain

(Case C-213/08) ⁽¹⁾

(2009/C 220/58)

Language of the case: Spanish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 197, 2.8.2008.

Order of the President of the Court of 14 May 2009 — Commission of the European Communities v Republic of Poland

(Case C-435/08) ⁽¹⁾

(2009/C 220/59)

Language of the case: Polish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 301, 22.11.2008.