

Order of the Court of 3 March 2009 — Christos Michail v Commission of the European Communities

(Case C-268/08 P) ⁽¹⁾

(Appeal — Staff case — Articles 12a and 24 of the Staff Regulations — Psychological harassment — Duty to provide assistance — Distortion of facts — Errors in the legal assessment of the facts)

(2009/C 113/37)

Language of the case: French

Parties

Appellant: Christos Michail (represented by: C. Meïdanis, dikigoros)

Other party to the proceedings: Commission of the European Communities (represented by: G. Berscheid and J. Currall, Agents, E. Bourtzalas and I. Antypas, lawyers)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) delivered on 16 April 2008 in Case T-486/04 *Michail v Commission* in which the Court dismissed the appellant's action for annulment of the Commission's implied decision of 20 March 2004 rejecting the request for assistance made by the appellant pursuant to Article 24 of the Staff Regulations — Infringement of Article 12a of the Staff Regulations — Psychological harassment — Distortion of facts — Errors made in the legal assessment of the facts

Operative part of the order

1. *The appeal is dismissed.*
2. *The appellant is ordered to pay the costs.*

⁽¹⁾ OJ C 223, 30.8.2008.

Reference for a preliminary ruling from the Amtsgericht Charlottenburg (Germany) lodged on 17 November 2008 — Amiraïke Berlin GmbH Aero and Campus Cottbus Ltd.

(Case C-497/08)

(2009/C 113/38)

Language of the case: German

Referring court

Amtsgericht Charlottenburg

Parties to the main proceedings

Applicant: Amiraïke Berlin GmbH

Other party: Aero Campus Cottbus Ltd

Question referred

Are the provisions of primary Community law, in particular, Articles 10 EC, 43 EC and 48 EC and the principle according to which Member States as between each other must accord mutual recognition to their respective legal orders to be interpreted as meaning that in ratifying Community law a Member State ('the first Member State') has indicated, in principle, its acceptance of the effects on its national territory of expropriatory measures imposed under the legal order of a second Member State, at any rate, where the company (created as a matter of private law) affected by the expropriatory measure previously elected on an intentional basis — exercising its Community right to freedom of establishment — to submit itself to the company law regime of the second Member State, responsible for imposing the expropriation, notwithstanding the fact that it exercises its business activities in the first Member State and holds company assets affected by the expropriatory measure situated in that State?

Reference for a preliminary ruling from the Bundesfinanzhof (Germany), lodged on 11 February 2009 — Leo-Libera GmbH v Finanzamt Buchholz in der Nordheide

(Case C-58/09)

(2009/C 113/39)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Claimant: Leo-Libera GmbH

Defendant: Finanzamt Buchholz in der Nordheide

Question referred

Is Article 135(1)(i) of Council Directive 2006/112/EC ⁽¹⁾ of 28 November 2006 on the common system of value added tax to be interpreted as meaning that Member States are permitted to have a rule under which only specified forms of (race) betting and lotteries are exempt from tax, and all 'other forms of gambling' are excluded from the tax exemption?

⁽¹⁾ OJ 2006 L 347, p. 1.