

**Re:**

Reference for a preliminary ruling — Conseil d'État (France) — State aid — Export aid in the book trade — Obligation to repay aid unlawfully put into effect — Possibility of suspending repayment of the aid pending a final decision of the Commission on the compatibility of the aid with the Treaty — Admissibility of the obligation to repay the aid being limited on the ground of an exceptional circumstance

**Operative part of the judgment**

1. A national court before which an application has been brought, on the basis of Article 88(3) EC, for repayment of unlawful State aid may not stay the adoption of its decision on that application until the Commission of the European Communities has ruled on the compatibility of the aid with the common market following the annulment of a previous positive decision;
2. The adoption by the Commission of the European Communities of three successive decisions declaring aid to be compatible with the common market, which were subsequently annulled by the Community judicature, is not, in itself, capable of constituting an exceptional circumstance such as to justify a limitation of the recipient's obligation to repay that aid, in the case where that aid was implemented contrary to Article 88(3) EC.

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(<sup>1</sup>) OJ C 69, 21.3.2009.

**Judgment of the Court (Third Chamber) of 11 March 2010  
(reference for a preliminary ruling from the  
Oberlandesgericht Wien — Austria) — Wood Floor  
Solutions Andreas Domberger GmbH v Silva Trade, SA**

(Case C-19/09) (<sup>1</sup>)

*(Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 — Special jurisdiction — Article 5(1)(a) and (b), second indent — Provision of services — Commercial agency contract — Performance in several Member States)*

(2010/C 113/19)

Language of the case: German

**Referring court**

Oberlandesgericht Wien

**Parties to the main proceedings**

*Applicant:* Wood Floor Solutions Andreas Domberger GmbH

*Defendant:* Silva Trade SA

**Re:**

Reference for a preliminary ruling — Oberlandesgericht Wien (Austria) — Interpretation of Article 5(1)(a) and (b), second indent, 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) — Special jurisdiction — Scope — Action for payment of compensation for termination of a contract for the provision of services — Services provided under a contract in different Member States

**Operative part of the judgment**

1. 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 must be interpreted as meaning that that provision is applicable in the case where services are provided in several Member States;
2. The second indent of Article 5(1)(b) of Regulation No 44/2001 must be interpreted as meaning that where services are provided in several Member States, the court which has jurisdiction to hear and determine all the claims arising from the contract is the court in whose jurisdiction the place of the main provision of services is situated. For a commercial agency contract, that place is the place of the main provision of services by the agent, as it appears from the provisions of the contract or, in the absence of such provisions, the actual performance of that contract or, where it cannot be established on that basis, the place where the agent is domiciled.

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(<sup>1</sup>) OJ C 82, 4.4.2009.

**Judgment of the Court (Sixth Chamber) of 4 March 2010  
— European Commission v Kingdom of Belgium**

(Case C-258/09) (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Directive 2008/1/EC — integrated pollution prevention and control — Failure to transpose within the prescribed period)*

(2010/C 113/20)

Language of the case: French

**Parties**

*Applicant:* Commission of the European Communities (represented by: A. Alcover San Pedro and A. Marghelis, Agents)