

**Judgment of the Court (First Chamber) of 29 July 2010 —
Hellenic Republic v European Commission**

(Case C-54/09 P) ⁽¹⁾

(Appeals — Agriculture — Common organisation of the market in wine — Aid for the restructuring and conversion of vineyards — Regulation (EC) No 1493/1999 — Fixing of the definitive financial allocations made to Member States — Regulation (EC) No 1227/2000 — Article 16(1) — Time-limit — Binding nature)

(2010/C 246/07)

Language of the case: Greek

Parties

Appellant: Hellenic Republic (represented by: I. Chalkias and M. Tassopoulou, Agents)

Other party to the proceedings: European Commission (represented by: H. Tserépa-Lacombe and F. Jimeno Fernández, acting as Agents)

Re:

Appeal brought against the judgment of the Court of First Instance (Fifth Chamber) of 11 December 2008 in Case T-339/06 *Greece v Commission*, by which the Court dismissed an action for annulment of Commission Decision 2006/669/EC of 4 October 2006 fixing, for the 2006 financial year and in respect of a certain number of hectares, the definitive financial allocations to Member States for the restructuring and conversion of vineyards under Council Regulation (EC) No 1493/1999 (notified under document number C(2006) 4348) (OJ 2006 L 275, p. 62) in so far as the decision fixes the hectares and the definitive financial allocations concerning Greece

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 82, 4.4.2009.

**Judgment of the Court (Third Chamber) of 15 July 2010
(reference for a preliminary ruling from the
Verwaltungsgerichtshof — Austria) — Alexander
Hengartner, Rudolf Gasser v Landesregierung Vorarlberg**

(Case C-70/09) ⁽¹⁾

(Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Lease of hunting ground — Regional tax — Concept of economic activity — Principle of equal treatment)

(2010/C 246/08)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicants: Alexander Hengartner, Rudolf Gasser

Defendant: Landesregierung Vorarlberg

Re:

Reference for a preliminary ruling — Verwaltungsgerichtshof (Austria) — Interpretation of Article 43 EC — Concept of economic activity — Hunting for sport and without a profit motive — Sale of game to cover part of the hunting costs — No profit

Operative part of the judgment

The provisions of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed in Luxembourg on 21 June 1999, do not preclude a national of one of the contracting parties from being subjected in the territory of the other contracting party, as a recipient of services, to different treatment from that reserved to persons whose principal residence is in that territory, citizens of the Union, and persons who are equated to those citizens under European Union law, with respect to the charging of a tax payable for the provision of services such as the making available of a right to hunt.

⁽¹⁾ OJ C 102, 01.05.2009.