

**Operative part of the judgment**

The Court:

1. Sets aside the order of the Court of First Instance of the European Communities of 29 June 2009 in Case T-94/05 *Athinaiki Techniki v Commission*;
2. Refers the case back to the General Court of the European Union;
3. Orders that the costs be reserved.

<sup>(1)</sup> OJ C 312, 19.12.2009.

**Judgment of the Court (First Chamber) of 9 December 2010 (reference for a preliminary ruling from the Landesgericht für Zivilrechtssachen Wien — Austria) — Humanplasma GmbH v Republik Österreich**

(Case C-421/09) <sup>(1)</sup>

**(Articles 28 EC and 30 EC — National rules prohibiting the importation of blood products provided from donations which were not entirely unpaid)**

(2011/C 55/22)

Language of the case: German

**Referring court**

Landesgericht für Zivilrechtssachen Wien

**Parties to the main proceedings**

Applicant: Humanplasma GmbH

Defendant: Republik Österreich

**Re:**

Reference for a preliminary ruling — Landesgericht für Zivilrechtssachen Wien — Interpretation of Articles 28 EC and 30 EC — Compatibility with those provisions of national legislation prohibiting the importation of human blood where payment was made for the blood donation

**Operative part of the judgment**

Article 28 EC, read in conjunction with Article 30 EC, must be interpreted as precluding national legislation which provides that the importation of blood or blood components from another Member State is permitted only on the condition, which is also applicable to national products, that the donations of blood on which those products are based were made not only without any payment being made to the donors but also without any reimbursement of the costs incurred by them in connection with those donations.

<sup>(1)</sup> OJ C 24, 30.1.2010.

**Judgment of the Court (Second Chamber) of 16 December 2010 (reference for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands)) — Euro Tyre Holding BV v Staatssecretaris van Financiën**

(Case C-430/09) <sup>(1)</sup>

**(Sixth VAT Directive — Article 8(1)(a) and (b), Article 28a(1)(a), Article 28b(A)(1) and the first subparagraph of Article 28c(A)(a) — Exemption of supplies of goods dispatched or transported within the European Union — Successive supplies of the same goods giving rise to a single intra-Community dispatch or transport)**

(2011/C 55/23)

Language of the case: Dutch

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

Applicant: Euro Tyre Holding BV

Defendant: Staatssecretaris van Financiën

**Re:**

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Articles 8(1)(a) and (b), Article 28a(1)(a), Article 28b(A)(1) and Article 28c(A)(a) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Exemption of supplies of goods dispatched or transported within the Community — Successive supplies of the same goods giving rise to a single intra-Community dispatch or transport of goods

**Operative part of the judgment**

When goods are the subject of two successive supplies between different taxable persons acting as such, but of a single intra-Community transport, the determination of the transaction to which that transport should be ascribed, namely the first or second supply — given that that transaction therefore falls within the concept of an intra-Community supply for the purposes of the first subparagraph of Article 28c(A)(a) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, as amended by Council Directive 96/95/EC of 20 December 1996, read in conjunction with Article 8(1)(a) and (b), the first subparagraph of Article 28a(1)(a), and Article 28b(A)(1) of that directive — must be conducted in the light of an overall assessment of all the circumstances of the case in order to establish which of those two supplies fulfils all the conditions relating to an intra-Community supply.