

Operative part of the order

1. Articles 49 EC to 54 EC cannot be interpreted as meaning that a Member State's legislation concerning the activity of temporary employment undertakings, in force at the time of accession of that State to the European Union, remains valid so long as the Council of the European Union has not adopted a programme or directives for the purpose of implementing those provisions, with a view to laying down the conditions for liberalisation of the category of supply of services in question.
2. Neither the 19th recital in the preamble to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, nor Article 1(4) thereof can be interpreted as meaning that a Member State may reserve the exercise of the activity of temporary employment undertaking to only those undertakings having their head office in the territory of that Member State or treat them more favourably with regard to authorisation of the activity in question than undertakings established in another Member State.
3. Articles 49 EC to 54 EC must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which reserves the exercise of the activity of temporary employment undertaking to undertakings which have their head office in the territory of that Member State.

(¹) OJ C 267, 7.11.2009.

Order of the Court (Seventh Chamber) of 17 June 2010
(reference for a preliminary ruling from the Anotato Dikastirio Kyprou (Republic of Cyprus)) — **Giorgos Michalias v Christina A. Ioannou-Michalia**

(Case C-312/09) (¹)

(Article 104(3), second paragraph of the Rules of Procedure — Regulation (EC) No 1347/2000 — Articles 2, 42 and 46 — Judicial cooperation in civil matters — Jurisdiction in matrimonial matters — Accession of a State to the European Union — Divorce proceedings commenced before accession — Temporal scope of Regulation (EC) No 1347/2000))

(2010/C 288/23)

Language of the case: Greek

Referring court

Anotato Dikastirio Kyprou

Parties to the main proceedings

Applicant: Giorgos Michalias

Defendant: Christina A. Ioannou-Michalia

Re:

Reference for a preliminary ruling — Anotato Diastirio Kyprou — Jurisdiction of the courts of a Member State (Cyprus) to interpret and apply Articles 2(1), 42 and 46 of Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses (OJ 2000 L 160, p. 19) — Divorce proceedings commenced by the husband before the courts of Cyprus after the entry into force of the regulation but before Cyprus became a Member State — Divorce proceedings begun by the wife after 1 May 2004 before the courts of another Member State (United Kingdom) which was a Member State throughout the relevant period — Both spouses being Cypriot nationals but having their permanent residence in the United Kingdom.

Operative part

Council Regulation (EC) No 1347/2000 of 29 May 2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses is not applicable to divorce proceedings brought before the courts of a State before the latter became a Member State of the European Union.

(¹) OJ C 244 of 10.10.2009.

Order of the Court of 12 May 2010 — Centre de promotion de l'emploi par la micro-entreprise (CPEM) v European Commission

(Case C-350/09 P) (¹)

(Appeal — European Social Fund — Financial assistance — Cancellation)

(2010/C 288/24)

Language of the case: French

Parties

Appellant: Centre de promotion de l'emploi par la micro-entreprise (CPEM) (represented by: C. Bonnefoi, avocate)

Other party to the proceedings: European Commission (represented by: L. Flynn and A. Steiblytė, Agents)

Other party to the proceedings: European Commission (represented by: L. Bouyon, Agent)

Re:

Appeal against the judgment of the Court of First Instance (Second Chamber) of 30 June 2009 in Case T-444/07 *CPEM v Commission* dismissing the appellant's application for annulment of Commission Decision C(2007) 4645 of 4 October 2007 cancelling the assistance granted by the European Social Fund (ESF) by Decision C(1999) 2645 of 17 August 1999 — Microprojects promoting employment and social cohesion — Infringement of the rights of the defence and the principle of equal treatment — Failure to take into account the concept of 'co-responsibility' — Failure to observe the principle of legal certainty as a result of the existence of several different versions of the 'Promoter's Guide' — Doubts as to the applicability of Council Regulation No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1) on which OLAF's decision was based

Operative part of the order

1. *The appeal is dismissed;*

2. *The Centre de promotion de l'emploi par la micro-entreprise (CPEM) shall pay the costs.*

⁽¹⁾ OJ C 312, of 19.12.2009.

Order of the Court of 1 July 2010 — DSV Road NV v European Commission

(Case C-358/09 P) ⁽¹⁾

(Appeal — Customs Code — Import of diskettes originating in Thailand — Post-clearance recovery of import duties — Application for remission of import duties)

(2010/C 288/25)

Language of the case: Dutch

Parties

Appellant: DSV Road NV (represented by: A. Poelmans and G. Preckler, advocaten)

Re:

Appeal against the judgment of 8 July 2009 of the Court of First Instance (Fourth Chamber) in Case T-219/07 *DSV Road v Commission* dismissing an application for annulment of the Commission's Decision of 24 April 2007 informing the Belgian authorities that they might proceed with post-clearance recovery of import duties on diskettes originating in Thailand and that there were no grounds for granting remission of those duties (File reference: REC 05/02)

Operative part of the order

1. *The appeal is dismissed;*

2. *DSV Road NV shall pay the costs.*

⁽¹⁾ OJ C 297, of 05.12.2009.

Order of the Court (Seventh Chamber) of 7 July 2010 (reference for a preliminary ruling from the Corte suprema di cassazione (Italy)) — Gennaro Curia v Ministero dell'Economia e delle Finanze, Agenzia delle Entrate

(Case C-381/09) ⁽¹⁾

(Article 104(3), paragraph 1 of the Rules of Procedure — Sixth VAT Directive — Scope — VAT exemptions — Article 13B(d)(1) — Grant, negotiation and management of credit — Exorbitant lending activities — Activity unlawful under national law)

(2010/C 288/26)

Language of the case: Italian

Referring court

Corte suprema di cassazione (Italy)

Parties to the main proceedings

Applicant: Gennaro Curia

Defendant: Ministero dell'Economia e delle Finanze, Agenzia delle Entrate