

**Judgment of the Court (First Chamber) of 15 March 2012  
(reference for a preliminary ruling from the Landgericht  
Regensburg — Germany) — G v Cornelius de Visser**

(Case C-292/10) <sup>(1)</sup>

*(Jurisdiction and the enforcement of judgments in civil and commercial matters — Public notification of legal documents — Lack of known domicile or place of abode of the defendant in the territory of a Member State — Jurisdiction ‘in matters relating to tort, delict or quasi-delict’ — Infringement of the right to protection of personality liable to have been committed by the publication of photographs on the internet — Place where the harmful event occurred or may occur)*

(2012/C 133/07)

Language of the case: German

**Referring court**

Landgericht Regensburg

**Parties to the main proceedings**

Applicant: G

Defendant: Cornelius de Visser

**Re:**

Reference for a preliminary ruling — Landgericht Regensburg — Interpretation of the first paragraph of Article 6 TEU in conjunction with the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union (OJ 2007 C 303, p. 1), of Articles 4(1), 5, point 3, and 26(2) 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) and of Article 3(1) and (2) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ 2000 L 178, p. 1) — National legislation allowing in certain circumstances for public notification of legal documents to the defendant and allowing a default decision to be taken on the basis of a writ notified in that manner — Applicability of the rules on jurisdiction in Regulation (EC) No 44/2001 in the absence of a known domicile or place of residence of the defendant in the territory of a Member State — Determination of the jurisdiction of the courts and of the law applicable to an action brought in respect of an infringement of personality rights which may have been committed by the publication of photographs on an internet site edited by a person whose domicile is unknown

**Operative part of the judgment**

1. In circumstances such as those in the main proceedings, Article 4(1) 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 it does not preclude the application of Article 5(3) of that regulation to an action for liability arising from the operation of an Internet site against a defendant who is probably a European Union citizen but whose whereabouts are unknown if the court seized of the case does not hold firm evidence to support the conclusion that the defendant is in fact domiciled outside the European Union;

2. European Union law must be interpreted as meaning that it does not preclude the issue of judgment by default against a defendant on whom, given that it is impossible to locate him, the document instituting proceedings has been served by public notice under national law, provided that the court seized of the matter has first satisfied itself that all investigations required by the principles of diligence and good faith have been undertaken to trace the defendant;
3. European Union law must be interpreted as precluding certification as a European Enforcement Order, within the meaning of Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, of a judgment by default issued against a defendant whose address is unknown;
4. Article 3(1) and (2) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market does not apply to a situation where the place of establishment of the information society services provider is unknown, since application of that provision is subject to identification of the Member State in whose territory the service provider in question is actually established.

<sup>(1)</sup> OJ C 346, 18.12.2010.

**Judgment of the Court (Third Chamber) of 22 March 2012  
(reference for a preliminary ruling from the Finanzgericht  
Hamburg — Germany) — Grünwald Logistik Service  
GmbH (GLS) v Hauptzollamt Hamburg-Stadt**

(Case C-338/10) <sup>(1)</sup>

*(Dumping — Anti-dumping duty imposed on imports of certain prepared or preserved citrus fruits originating in China — Regulation (EC) No 1355/2008 — Validity — Regulation (EC) No 384/96 — Article 2(7)(a) — Determination of normal value — Non-market economy country — Commission’s obligation to take due care to determine normal value on the basis of the price or constructed value in a market economy third country)*

(2012/C 133/08)

Language of the case: German

**Referring court**

Finanzgericht Hamburg