

Other party to the proceedings: European Commission (represented by: V. Di Bucci and D. Grespan, acting as Agents)

**Re:**

Appeal brought against the judgment of the General Court (Fifth Chamber) of 1 July 2010 in Case T-335/08 *BNP Paribas and BNL v Commission*, by which that Court dismissed an application for annulment of Commission Decision 2008/711/EC of 11 March 2008 on State aid C 15/07 (ex NN 20/07) implemented by Italy on the tax incentives in favour of certain restructured banks (OJ 2008 L 237, p. 70).

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the General Court of the European Union in Case T-335/08 *BNP Paribas and BNL v Commission* [2010] ECR II-3323 to the extent that it infringed Article 107(1) TFEU;
2. Dismisses the action brought by *BNP Paribas and Banca Nazionale del Lavoro (BNL)*;
3. Orders *BNP Paribas and Banca Nazionale del Lavoro SpA (BNL)* and the European Commission to bear their own costs;
4. Orders *BNP Paribas and Banca Nazionale del Lavoro SpA (BNL)* to pay the costs incurred before the General Court of the European Union.

<sup>(1)</sup> OJ C 317, 20.11.2010.

**Judgment of the Court (Third Chamber) of 21 June 2012 (reference for a preliminary ruling from the Nejvyšší soud České republiky — Czech Republic) — Wolf Naturprodukte GmbH v SEWAR spol. s r.o.**

(Case C-514/10) <sup>(1)</sup>

*(Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 — Temporal scope — Enforcement of a judgment delivered before the accession of the State of enforcement to the European Union)*

(2012/C 250/04)

Language of the case: Czech

**Referring court**

Nejvyšší soud České republiky

**Parties to the main proceedings**

Applicant: Wolf Naturprodukte GmbH

Defendant: SEWAR spol. s r. o.

**Re:**

Reference for a preliminary ruling — Nejvyšší soud České republiky — Interpretation of Article 66(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) — Temporal scope — Enforcement of a judgment delivered before the accession of the State of enforcement to the European Union

**Operative part of the judgment**

*Article 66(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 must be interpreted as meaning that, for that regulation to be applicable for the purpose of the recognition and enforcement of a judgment, it is necessary that at the time of delivery of that judgment the regulation was in force both in the Member State of origin and in the Member State addressed.*

<sup>(1)</sup> OJ C 13, 15.11.2011.

**Judgment of the Court (Fourth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Bundesgerichtshof — Germany) — Criminal proceedings against Titus Alexander Jochen Donner**

(Case C-5/11) <sup>(1)</sup>

*(Free movement of goods — Industrial and commercial property — Sale of reproductions of works in a Member State in which the copyright on those works is not protected — Transport of those goods to another Member State in which the infringement of the copyright is sanctioned under criminal law — Criminal proceedings against the transporter for aiding and abetting the unlawful distribution of a work protected by copyright law)*

(2012/C 250/05)

Language of the case: German

**Referring court**

Bundesgerichtshof

**Party in the main proceedings**

Titus Alexander Jochen Donner

**Re:**

Reference for a preliminary ruling — Bundesgerichtshof — Interpretation of Articles 34 and 36 TFEU — Free movement of goods — Industrial and commercial property — Sale of reproductions of works in a Member State in which the copyright on those works is not protected — Transport of those goods to another Member State in which the infringement of the copyright is sanctioned under criminal law — Situation in which the transfer of property to the purchaser was made in the Member State of origin and the transfer of the de facto power of disposal takes place in the State of destination — Criminal proceedings against the transporter for aiding and abetting the unlawful distribution of a work protected by copyright law