

Reference for a preliminary ruling from the Finanzgericht Düsseldorf (Germany) lodged on 8 January 2010 — LECSON Elektromobile GmbH v Hauptzollamt Dortmund

(Case C-12/10)

(2010/C 80/24)

Language of the case: German

Referring court

Finanzgericht Düsseldorf

Parties to the main proceedings

Applicant: LECSON Elektromobile GmbH

Defendant: Hauptzollamt Dortmund

Question referred

Do the electric mobility scooters which are described more precisely in the order fall within heading 8713 or heading 8703 of the combined nomenclature, as amended by Commission Regulation (EC) No 1810/2004 of 7 September 2004 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff? ⁽¹⁾

⁽¹⁾ OJ 2004 L 327, p. 1.

Reference for a preliminary ruling from the Rechtbank van eerste aanleg te Brussel (Belgium), lodged on 11 January 2010 — Knubben Dak-en Leidekkersbedrijf BV v Belgische Staat

(Case C-13/10)

(2010/C 80/25)

Language of the case: Dutch

Referring court

Rechtbank van eerste aanleg te Brussel

Parties to the main proceedings

Applicant: Knubben Dak- en Leidekkersbedrijf BV

Defendant: Belgische Staat

Questions referred

1. Does Community law, in particular the principle of the freedom to provide services as laid down in Article 56 TFEU (formerly Article 49 EC), preclude rules such as those laid down in Articles 1 and 1a of Belgian Royal Decree No 20 of 20 July 1970, under which the reduced VAT rate may be applied to construction work only if the service provider is registered in Belgium as a contractor in accordance with Articles 400 and 401 of the Wetboek van Inkomstenbelastingen (Belgian Income Tax Code) 1992?
2. Does Community law, in particular the principle of the freedom to provide services as laid down in Article 56 TFEU (formerly Article 49 EC), preclude rules such as those laid down in Articles 400 and 401 of the Belgian Income Tax Code 1992 and in the Royal Decree of 26 December 1998, under which registration as a contractor in Belgium applies fully and identically to Belgian service providers and to service providers established in another Member State of the European Union?

Reference for a preliminary ruling from the Landgericht Berlin (Germany) lodged on 12 January 2010 — Agrargenossenschaft Münchehofe e.G. v BVVG Bodenverwertungs- und -verwaltungs GmbH

(Case C-18/10)

(2010/C 80/26)

Language of the case: German

Referring court

Landgericht Berlin

Parties to the main proceedings

Applicant: Agrargenossenschaft Münchehofe e.G.

Defendant: BVVG Bodenverwertungs- und -verwaltungs GmbH

Question referred

Do the provisions of Paragraph 5(1)(ii) and (iii) of the Flächenerwerbsverordnung (Land Purchase Regulations), implementing Paragraph 4(3)(i) of the Ausgleichleistungsgesetz (Compensation Act), in the version in force until 11 July 2009, infringe Article 87 EC?

adopt such measures and that it has therefore failed to fulfil its obligations under Regulation No 273/2004 and Regulation No 111/2005.

⁽¹⁾ OJ 2004 L 47, p. 1.

⁽²⁾ OJ 2005 L 22, p. 1.

Action brought on 12 January 2010 — European Commission v Italian Republic

(Case C-19/10)

(2010/C 80/27)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: P. Oliver and S. Mortoni, Agents)

Defendant: Italian Republic

Form of order sought

— Declare that, by failing to adopt the national measures for the implementation of Article 12 of Regulation (EC) No 273/2004 ⁽¹⁾ of the European Parliament and of the Council of 11 February 2004 on drug precursors, by failing to inform the Commission of those measures as required under Article 16 of that regulation, and by failing to adopt the national measures for the implementation of Article 31 of Council Regulation (EC) No 111/2005 ⁽²⁾ of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors, the Italian Republic has failed to fulfil its obligations under those regulations.

— Order the Italian Republic to pay the costs.

Pleas in law and main arguments

Regulation No 273/2004 entered into force on 18 August 2005; Regulation No 111/2005 entered into force on 15 February 2005 and has applied since 18 August 2005. Having received no notification of the provisions that Italy was required to adopt under Article 12 of Regulation No 273/2004 and under Article 31 of Regulation No 111/2005 and, in any event, having received no information from the Italian Republic which might indicate that the necessary measures have in fact been adopted, the Commission submits that the Italian Republic has failed to

Appeal brought on 14 January 2010 by REWE-Zentral AG against the judgment of the Court of First Instance (Sixth Chamber) delivered on 11 November 2009 in Case T-150/08 REWE-Zentral AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs), intervener: Aldi Einkauf GmbH & Co. OGH

(Case C-22/10 P)

(2010/C 80/28)

Language of the case: German

Parties

Appellant: REWE-Zentral AG (represented by: M. Kinkeldey and A. Bognár, lawyers)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs), Aldi Einkauf GmbH & Co. OHG

Form of order sought

The appellant claims that the Court should:

— set aside the contested decision of the Court of First Instance of 11 November 2009;

— order the defendant and respondent to pay the costs of these proceedings and the costs of the proceedings before the Court of First Instance

Pleas in law and main arguments

The present appeal is against the judgment of the Court of First Instance by which that court dismissed the appellant's action for annulment of the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market of 15 February 2008 rejecting its application for registration of the word sign CLINA. By its judgment the Court of First Instance confirmed the Board of Appeal's decision according to which there is a likelihood of confusion with the earlier Community word mark CLINAIR.