

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgement of the Court (Third Chamber) of 20 May 2010
— **European Commission v Republic of Poland**

(Case C-228/09) ⁽¹⁾

(Failure of a Member State to fulfil its obligations — VAT — Directive 2006/112/EC — Articles 78, 79, 83 and 86 — Taxable amount — Sale of a car — Inclusion in the taxable amount of a duty applicable to non-registered cars)

(2010/C 195/02)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: D. Triantafyllou and A. Stobiecka-Kuik, acting as Agents)

Defendant: Republic of Poland (represented by: M. Dowgielewicz, M. Jarosz and A. Rutkowska, acting as Agents)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 78, 79, 83 and 86 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Sale of a motor vehicle — Inclusion in the taxable amount of a duty payable on the registration of a vehicle

Operative part of the judgment

The Court:

1. *Dismisses the application.*
2. *Orders the European Commission to pay the costs.*

Reference for a preliminary ruling from the Raad van State (Netherlands), lodged on 16 April 2010 — Baris Unal v Staatssecretaris van Justitie

(Case C-187/10)

(2010/C 195/03)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellant: Baris Unal

Respondent: Staatssecretaris van Justitie

Question referred

Does the first indent of Article 6(1) of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association [adopted by the Association Council established pursuant to the Association Agreement between the European Economic Community and Turkey], having regard also to the principle of legal certainty, in a situation in which there is no question of fraudulent conduct, preclude the competent national authorities from withdrawing, after the expiry of the one-year period referred to in the aforementioned first indent of Article 6(1), the residence permit of a Turkish worker with retroactive effect from the point in time at which there was no longer compliance with the ground on the basis of which the residence permit had been issued under national law?

⁽¹⁾ OJ C 233 of 26.9.2009.