(b) In the light of the DSB's decision of 27 September 2005, must the aforementioned regulations be interpreted as meaning that additional note 7 (CN) to Chapter 2 lays down that the character of meat with a salt content by weight of 1,2 % or more is deemed to have been altered, that that meat qualifies as 'salted' for the purposes of heading 0210, and that meat with a salt content by weight of less than 1,2 %, the character of which has been demonstrably altered through the addition of salt, is not excluded from classification under heading 0210?

4. If Question 3(a) is answered in the affirmative:

How is it to be determined whether the long-term preservation of chicken meat is guaranteed through the addition of salt?

(1) Commission Regulation (EC) No 535/94 of 9 March 1994 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1994 L 68, p. 15).
(2) Commission Regulation (EC) No 1832/2002 of 1 August 2002 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2002 L 290, p. 1).
(3) Commission Regulation (EC) No 1871/2003 of 23 October 2003 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2003 L 275, p. 5).
(4) Commission Regulation (EC) No 2344/2003 of 30 December 2003 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2003 L 346, p. 38).

Action brought on 5 July 2010 — European Commission v Kingdom of Belgium

(Case C-321/10)

(2010/C 246/47)

Language of the case: French

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and J. Sénéchal, Agents)

Defendant: Kingdom of Belgium

Form of order sought

— Declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE), (1) or in any event by not communicating such measures to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under that directive;

— order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing Directive 2007/2/EC expired on 14 May 2009. As at the date on which the present action was brought, the defendant had not yet adopted all the measures necessary to transpose the directive or, in any event, had not communicated those measures to the Commission.

(1) OJ 2007 L 108, p. 1.

Reference for a preliminary ruling from Court of Appeal (Civil Division) (England & Wales) made on 5 July 2010 — Medeva BV v Comptroller-General of Patents

(Case C-322/10)

(2010/C 246/48)

Language of the case: English

Referring court

Court of Appeal (Civil Division) (England & Wales)

Parties to the main proceedings

Applicant: Medeva BV

Defendant: Comptroller-General of Patents

Questions referred

1. Regulation 469/2009 (1) (the Regulation) recognises amongst the other purposes identified in the recitals, the need for the grant of an SPC by each of the Member States of the Community to holders of national or European patents to be under the same conditions, as indicated in recitals 7 and 8. In the absence of Community harmonisation of patent law, what is meant in Article 3(a) of the Regulation by 'the product is protected by a basic patent in force' and what are the criteria for deciding this?

2. In a case like the present one involving a medicinal product comprising more than one active ingredient, are there further or different criteria for determining whether or not 'the product is protected by a basic patent' according to Article 3(a) of the Regulation and, if so, what are those further or different criteria?

3. In a case like the present one involving a multi-disease vaccine, are there further or different criteria for determining whether or not 'the product is protected by a basic patent' according to Article 3(a) of the Regulation and, if so, what are those further or different criteria?

4. For the purposes of Article 3(a), is a multi-disease vaccine comprising multiple antigens 'protected by a basic patent' if one antigen of the vaccine is 'protected by the basic patent in force'?

5. For the purposes of Article 3(a), is a multi-disease vaccine comprising multiple antigens 'protected by a basic patent' if all antigens directed against one disease are 'protected by the basic patent in force'?

6. Does the SPC Regulation and, in particular, Article 3(b); permit the grant of a Supplementary Protection Certificate for a single active ingredient or combination of active ingredients where:

   (a) a basic patent in force protects the single active ingredient or combination of active ingredients within the meaning of Article 3(a) of the SPC Regulation; and

   (b) a medicinal product containing the single active Ingredient or combination of active Ingredients together with one or more other active ingredients is the subject of a valid authorisation granted in accordance with Directive 2001/83/EC [2] or 2001/82/EC [3] which is the first marketing authorization that places the single active Ingredient or combination of active ingredients on the market?

[1] Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (Codified version) (Text with EEA relevance)
OJ L 152, p. 1

[2] Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use
OJ L 311, p. 67

[3] Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products
OJ L 311, p. 1

Reference for a preliminary ruling from the Okresní Soud v Chebu (Czech Republic) lodged on 5 July 2010 — Hypoteční banka, a.s. v Udo Mike Lindner

(Case C-327/10)

(2010/C 246/49)

Language of the case: Czech

Referring court

Okresní Soud v Chebu

Parties to the main proceedings

Applicant: Hypoteční banka, a.s.

Defendant: Udo Mike Lindner

Questions referred

1. If one of the parties to court proceedings is a national of a State other than the one in which those proceedings are taking place, does that fact provide a basis for the cross-border element within the meaning of Article 81 (formerly Article 65) of the Treaty, which is one of the conditions for the applicability of Council Regulation (EC) No 44/2001 [1] of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ('the Brussels I Regulation')?

2. Does the Brussels I Regulation preclude the use of provisions of national law which enable proceedings to be brought against persons of unknown address?

3. If Question 2 is answered in the negative, can the making of submissions by a court-appointed guardian of the defendant in the case be regarded on its own as submission by the defendant to the jurisdiction of the local court for the purposes of Article 24 of the Brussels I Regulation, even where the subject-matter of the dispute is a claim arising out of a consumer contract and the courts of the Czech Republic would not have jurisdiction under Article 16(2) of that regulation to determine that dispute?