

4. Can an agreement on the local jurisdiction of a particular court be regarded as establishing the international jurisdiction of the chosen court for the purposes of Article 17(3) of the Brussels I Regulation, and, if so, does that apply even if the agreement on local jurisdiction is invalid for conflict with Article 6(1) of Council Directive 93/13/EEC⁽²⁾ of 5 April 1993 on unfair terms in consumer contracts?

⁽¹⁾ OJ 2001 L 12, p. 1.

⁽²⁾ OJ 1993 L 95, p. 29.

Reference for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands), lodged on 12 July 2010 — X; other party: Staatssecretaris van Financiën

(Case C-334/10)

(2010/C 246/50)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: X

Other party: Staatssecretaris van Financiën

Questions referred

1. Regard being had to Article 6(2), first subparagraph, (a) and (b), Article 11.A(1)(c) and Article 17(2) of the Sixth Directive,⁽¹⁾ is a taxable person who makes temporary use for private purposes of part of a capital item of his business entitled to deduct the VAT levied on expenditure incurred in respect of permanent alterations carried out exclusively with a view to that use for private purposes?
2. For the purpose of answering this question, does it make any difference whether the taxable person was charged VAT, which he deducted, on the acquisition of the capital item?

⁽¹⁾ Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1).

Action brought on 29 June 2010 — European Commission v Republic of Cyprus

(Case C-340/10)

(2010/C 246/51)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: Georgios Zavvos and Donatella Recchia)

Defendant: Republic of Cyprus

Form of order sought

The applicant claims that the Court should:

- declare that, by not having included the area of Paralimni Lake in the national list of proposed sites of Community importance, the Republic of Cyprus has failed to fulfil its obligations under Article 4(1) of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- declare that, by tolerating activities which place the ecological characteristics of Paralimni Lake at serious risk and by not having taken the protective measures necessary to safeguard the population of *Natrix natrix cypriaca*, the species which constitutes the ecological interest of Paralimni Lake and Xiliatos Dam, the Republic of Cyprus has failed to fulfil its obligations under Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora as interpreted by the Court in Cases C-117/03 and C-224/05;
- declare that, by not having taken the requisite measures to establish and apply a system of strict protection for the *Natrix natrix cypriaca*, the Republic of Cyprus has failed to fulfil its obligations under Article 12(1) of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;