

Reference for a preliminary ruling from the Oberlandesgericht Celle (Germany) lodged on 15 October 2010 — Joseba Andoni Aguirre Zarraga v Simone Pelz

(Case C-491/10)

(2010/C 346/57)

Language of the case: German

Referring court

Oberlandesgericht Celle

Parties to the main proceedings

Applicant: Joseba Andoni Aguirre Zarraga

Defendant: Simone Pelz

Questions referred

1. Where the judgment to be enforced issued in the Member State of origin contains a serious infringement of fundamental rights, does the court of the Member State of enforcement exceptionally itself enjoy a power to examine the matter, pursuant to an interpretation of Article 42 of the Brussels IIa Regulation ⁽¹⁾ in conformity with the Charter on Fundamental Rights?
2. Is the court of the Member State of enforcement obliged to enforce notwithstanding the fact that, according to the case-file, the certificate issued by the court of the Member State of origin under Article 42 of the Brussels IIa Regulation is clearly inaccurate?

⁽¹⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000; OJ L 338, 23.12.2003, p. 1

Reference for a preliminary ruling from the Ufficio del Giudice di Pace di Venafro (Italy) lodged on 15 October 2010 — Criminal proceedings against Aldo Patriciello

(Case C-496/10)

(2010/C 346/58)

Language of the case: Italian

Referring court

Ufficio del Giudice di Pace di Venafro

Party to the main proceedings

Aldo Patriciello

Question referred

Do the facts construed in abstracto as a criminal offence committed by Aldo Patriciello (a Member of the European Parliament, described in the indictment and in favour of whom the European Parliament adopted a decision on 5 May

2009 to defend immunity), categorised as insulting behaviour under Article 594 of the Penal Code, correspond to the expression of an opinion in the performance of parliamentary duties for the purposes of Article 9 of the Protocol?

Reference for a preliminary ruling from the Commissione Tributaria Centrale — Sezione di Bologna (Italy) lodged on 19 October 2010 — Ufficio IVA di Piacenza v Belvedere Costruzioni Srl

(Case C-500/10)

(2010/C 346/59)

Language of the case: Italian

Referring court

Commissione Tributaria Centrale — Sezione di Bologna

Parties to the main proceedings

Applicant: Ufficio IVA di Piacenza

Defendant: Belvedere Costruzioni Srl

Question referred

Does Article 10 of the EC Treaty, now Article 4 of the Treaty on European Union, read in conjunction with Articles 2 and 22 of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes, preclude [legislation such as] the legislation of the Italian State laid down in Article 3(2a) of Decree-Law No 40 of 25 March 2010, converted into Law No 73 of 22 May 2010, under which the court with jurisdiction in tax matters may not rule on the existence of an alleged tax debt which the Tax Authority has sought, in due time, to recover by appealing against an unfavourable decision and which thus in effect provides for the VAT debt at issue to be wholly waived in cases where the courts have ruled both at first instance and at the first level of appeal that such a debt does not exist, without the taxable person in favour of whom the waiver has operated having to pay even a fraction of the debt at issue?

Reference for a preliminary ruling from the Tribunale di Santa Maria Capua Vetere (Italy) lodged on 19 October 2010 — Public Prosecutor's Office v Raffaele Russo

(Case C-501/10)

(2010/C 346/60)

Language of the case: Italian

Referring court

Tribunale di Santa Maria Capua Vetere

Parties to the main proceedings

Applicant: Public Prosecutor's Office

Defendant: Raffaele Russo