

Other party to the proceedings: European Commission (represented by: V. Di Bucci and D. Grespan, acting as Agents)

Re:

Appeal brought against the judgment of the General Court (Fifth Chamber) of 1 July 2010 in Case T-335/08 *BNP Paribas and BNL v Commission*, by which that Court dismissed an application for annulment of Commission Decision 2008/711/EC of 11 March 2008 on State aid C 15/07 (ex NN 20/07) implemented by Italy on the tax incentives in favour of certain restructured banks (OJ 2008 L 237, p. 70).

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union in Case T-335/08 *BNP Paribas and BNL v Commission* [2010] ECR II-3323 to the extent that it infringed Article 107(1) TFEU;
2. Dismisses the action brought by BNP Paribas and Banca Nazionale del Lavoro (BNL);
3. Orders BNP Paribas and Banca Nazionale del Lavoro SpA (BNL) and the European Commission to bear their own costs;
4. Orders BNP Paribas and Banca Nazionale del Lavoro SpA (BNL) to pay the costs incurred before the General Court of the European Union.

⁽¹⁾ OJ C 317, 20.11.2010.

Judgment of the Court (Third Chamber) of 21 June 2012 (reference for a preliminary ruling from the Nejvyšší soud České republiky — Czech Republic) — Wolf Naturprodukte GmbH v SEWAR spol. s r.o.

(Case C-514/10) ⁽¹⁾

(Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 — Temporal scope — Enforcement of a judgment delivered before the accession of the State of enforcement to the European Union)

(2012/C 250/04)

Language of the case: Czech

Referring court

Nejvyšší soud České republiky

Parties to the main proceedings

Applicant: Wolf Naturprodukte GmbH

Defendant: SEWAR spol. s r. o.

Re:

Reference for a preliminary ruling — Nejvyšší soud České republiky — Interpretation of Article 66(2) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Temporal scope — Enforcement of a judgment delivered before the accession of the State of enforcement to the European Union

Operative part of the judgment

Article 66(2) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, for that regulation to be applicable for the purpose of the recognition and enforcement of a judgment, it is necessary that at the time of delivery of that judgment the regulation was in force both in the Member State of origin and in the Member State addressed.

⁽¹⁾ OJ C 13, 15.11.2011.

Judgment of the Court (Fourth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Bundesgerichtshof — Germany) — Criminal proceedings against Titus Alexander Jochen Donner

(Case C-5/11) ⁽¹⁾

(Free movement of goods — Industrial and commercial property — Sale of reproductions of works in a Member State in which the copyright on those works is not protected — Transport of those goods to another Member State in which the infringement of the copyright is sanctioned under criminal law — Criminal proceedings against the transporter for aiding and abetting the unlawful distribution of a work protected by copyright law)

(2012/C 250/05)

Language of the case: German

Referring court

Bundesgerichtshof

Party in the main proceedings

Titus Alexander Jochen Donner

Re:

Reference for a preliminary ruling — Bundesgerichtshof — Interpretation of Articles 34 and 36 TFEU — Free movement of goods — Industrial and commercial property — Sale of reproductions of works in a Member State in which the copyright on those works is not protected — Transport of those goods to another Member State in which the infringement of the copyright is sanctioned under criminal law — Situation in which the transfer of property to the purchaser was made in the Member State of origin and the transfer of the de facto power of disposal takes place in the State of destination — Criminal proceedings against the transporter for aiding and abetting the unlawful distribution of a work protected by copyright law

Operative part of the judgment

A trader who directs his advertising at members of the public residing in a given Member State and creates or makes available to them a specific delivery system and payment method, or allows a third party to do so, thereby enabling those members of the public to receive delivery of copies of works protected by copyright in that same Member State, makes, in the Member State where the delivery takes place, a 'distribution to the public' under Article 4(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.

Articles 34 TFEU and 36 TFEU must be interpreted as meaning that they do not preclude a Member State from bringing a prosecution under national criminal law for the offence of aiding and abetting the prohibited distribution of copyright-protected works where such works are distributed to the public on the territory of that Member State in the context of a sale, aimed specifically at the public of that State, concluded in another Member State where those works are not protected by copyright or the protection conferred on them is not enforceable as against third parties.

⁽¹⁾ OJ C 103, 2.4.2011.

Judgment of the Court (Fourth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Leopold Sommer v Landesgeschäftsstelle des Arbeitsmarktservice Wien

(Case C-15/11) ⁽¹⁾

(Accession of new Member States — Republic of Bulgaria — Member State legislation making the grant of a work permit to Bulgarian nationals subject to an examination of the situation of the labour market — Directive 2004/114/EC — Conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service)

(2012/C 250/06)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Leopold Sommer

Defendant: Landesgeschäftsstelle des Arbeitsmarktservice Wien

Re:

Reference for a preliminary ruling — Verwaltungsgerichtshof — Interpretation of Council Directive 2004/114/EC of 13

December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ 2004 L 375, p. 12), particularly of Article 17 thereof, and of paragraph 14 of Annex VI of the list referred to in Article 20 of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union (OJ 2005 L 157, p. 104) — Rules of a Member State which make the grant of a work permit to Bulgarian nationals subject to an examination of the situation of the labour market — Possible application of Directive 2004/114/EC

Operative part of the judgment

1. Paragraph 14 of Point 1 of Annex VI to the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union must be interpreted to mean that the conditions of access to the labour market by Bulgarian students, at the time of the events in the main proceedings, may not be more restrictive than those set out in Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.
2. National legislation such as that at issue in the main proceedings provides for a more restrictive treatment of Bulgarian nationals than that given to third-country nationals under Directive 2004/114.

⁽¹⁾ OJ C 113, 9.4.2011.

Judgment of the Court (Fifth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Tribunal Supremo — Spain) — Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Federación de Asociaciones Sindicales (FASGA), Federación de Trabajadores Independientes de Comercio (Fetico), Federación Estatal de Trabajadores de Comercio, Hostelería, Turismo y Juego de UGT, Federación del Comercio, Hostelería y Turismo de CC.OO.

(Case C-78/11) ⁽¹⁾

(Directive 2003/88/EC — Organisation of working time — Entitlement to paid annual leave — Sick leave — Annual leave coinciding with sick leave — Entitlement to take paid annual leave at another time)

(2012/C 250/07)

Language of the case: Spanish

Referring court

Tribunal Supremo