

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 8 June 2011 in Case T-86/11 *Bamba v Council*;
2. Dismisses Ms Bamba's action;
3. Orders Ms Bamba to pay, in addition to her own costs, those incurred by the Council of the European Union in connection with the present appeal and at first instance;
4. Orders the French Republic and the European Commission to bear their own costs.

(¹) OJ C 311, 22.10.2011.

Judgment of the Court (First Chamber) of 8 November 2012 (reference for a preliminary ruling from the Finanzgericht Hamburg — Germany) — Lagura Vermögensverwaltung GmbH v Hauptzollamt Hamburg-Hafen

(Case C-438/11) (¹)

(Community customs code — Article 220(2)(b) — Post-clearance recovery of import duties — Legitimate expectations — Impossibility of verifying the accuracy of a certificate of origin — Notion of 'certificate based on an incorrect account of the facts provided by the exporter' — Burden of proof — Scheme of generalised tariff preferences)

(2013/C 9/29)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Lagura Vermögensverwaltung GmbH

Defendant: Hauptzollamt Hamburg-Hafen

Re:

Reference for a preliminary ruling — Finanzgericht Hamburg — Interpretation of Article 220(2)(b) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1), as amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000 (OJ 2000 L 311, p. 17) — Export of goods from a non-member country to the European Union — Subsequent verification of the proof of origin — Impossibility of retroactively establishing whether the content of a certificate of origin issued by the competent authorities of that non-member country is correct — Protection of the importer's legitimate expectations

Operative part of the judgment

Article 220(2)(b) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000, must be interpreted as meaning that if, owing to the fact that the exporter has ceased production, the competent authorities of the non-member country are unable, through a subsequent verification, to determine whether the certificate of origin Form A that they issued is based on a correct account of the facts by the exporter, the burden of proving that the certificate was based on a correct account of the facts by the exporter rests with the person liable for payment.

(¹) OJ C 347, 26.11.2011.

Judgment of the Court (Third Chamber) of 15 November 2012 (reference for a preliminary ruling from the Landgericht Bremen — Germany) — Gothaer Allgemeine Versicherung AG, ERGO Versicherung AG, Versicherungskammer Bayern-Versicherungsanstalt des öffentlichen Rechts, Nürnberger Allgemeine Versicherungs-AG, Kronos AG v Samskip GmbH

(Case C-456/11) (¹)

(Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Articles 32 and 33 — Recognition of judgments — Concept of 'judgment' — Effects of a judgment on international jurisdiction — Jurisdiction clause)

(2013/C 9/30)

Language of the case: German

Referring court

Landgericht Bremen

Parties to the main proceedings

Applicants: Gothaer Allgemeine Versicherung AG, ERGO Versicherung AG, Versicherungskammer Bayern-Versicherungsanstalt des öffentlichen Rechts, Nürnberger Allgemeine Versicherungs-AG, Kronos AG

Defendant: Samskip GmbH

Re:

Reference for a preliminary ruling — Landgericht Bremen — Interpretation of Articles 31 and 32 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) — Recognition of judgments issued in a Member State — Purely procedural judgment ('Prozessurteil') — Judgment concerning the interpretation of a clause allocating jurisdiction, by which the national court declares that it lacks jurisdiction in holding that the court of a third State has jurisdiction — Extent of recognition

Operative part of the judgment

1. Article 32 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 it also covers a judgment by which the court of a Member State declines jurisdiction on the basis of a jurisdiction clause, irrespective of how that judgment is categorised under the law of another Member State.
2. Articles 32 and 33 of Regulation No 44/2001 must be interpreted as meaning that the court before which recognition is sought of a judgment by which a court of another Member State has declined jurisdiction on the basis of a jurisdiction clause is bound by the finding — made in the grounds of a judgment, which has since become final, declaring the action inadmissible — regarding the validity of that clause.

(¹) OJ C 331, 12.11.2011.

Judgment of the Court (Third Chamber) of 8 November 2012 (reference for a preliminary ruling from the Stockholms tingsrätt — Sweden) — Ulf Kazimierz Radziejewski v Kronofogdemyndigheten i Stockholm

(Case C-461/11) (¹)

(Freedom of movement for workers — Article 45 TFEU — Total or partial debt relief procedure — Debtor who is a natural person — National legislation making the grant of debt relief subject to a residence condition)

(2013/C 9/31)

Language of the case: Swedish

Referring court

Stockholms tingsrätt

Parties to the main proceedings

Applicant: Ulf Kazimierz Radziejewski

Defendant: Kronofogdemyndigheten i Stockholm

Re:

Reference for a preliminary ruling — Stockholms tingsrätt — Interpretation of Article 45 TFEU — Freedom of movement for persons — Compatibility with Article 45 TFEU of national legislation making the grant of debt relief proceedings in respect of natural persons subject to a condition of residence in national territory — Debtor who is a national of Member State A, resident in Member State B, having made an application for debt relief in Member State A, the place of origin of his debts — Links with the place the application was made

Operative part of the judgment

Article 45 TFEU must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which makes the grant of debt relief subject to a condition of residence in the Member State concerned.

(¹) OJ C 340, 19.11.2011.

Judgment of the Court (Third Chamber) of 8 November 2012 — Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE v European Commission

(Case C-469/11 P) (¹)

(Appeal — Action for damages — Rejection of a bid submitted in a European Union tendering procedure — Limitation period — Point from which time starts to run — Application of the extension of time on account of distance)

(2013/C 9/32)

Language of the case: English

Parties

Appellant: Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (represented by: N. Korogiannakis, dikigoros)

Other party to the proceedings: European Commission (represented by: E. Manhaeve and M. Wilderspin, acting as Agents)

Re:

Appeal against the order of the General Court (First Chamber) of 22 June 2011 in Case T-409/09 *Evropaïki Dynamiki v Commission* dismissing as in part inadmissible and in part manifestly unfounded an action for damages for the loss allegedly suffered by the applicant as a result of the decision of the Commission rejecting the bid submitted by the applicant in the course of a tendering procedure — Periods prescribed for bringing proceedings — Extensions on account of distance

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Evropaïki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE to pay the costs.

(¹) OJ C 331, 12.11.2011.