Operative part of the judgment

Article 10 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, must be interpreted as not precluding national legislation allowing information to be issued to the public mentioning the name of a food and the name or trade name of the food manufacturer, processor or distributor, in a case where that food, though not injurious to health, is unfit for human consumption. The second subparagraph of Article 17(2) of that regulation must be interpreted as allowing, in circumstances such as those of the case in the main proceedings, national authorities to issue such information to the public in accordance with the requirements of Article 7 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

([1]) OJ C 98, 31.3.2012.

Judgment of the Court (Third Chamber) of 11 April 2013 (reference for a preliminary ruling from the Bundesgerichtshof — Germany) — Land Berlin v Ellen Mirjam Sapir, Michael J. Busse, Mirjam M. Birgansky, Gideon Rumney, Benjamin Ben-Zadok, Hedda Brown

(Case C-645/11) ([1])

(Regulation (EC) No 44/2001 — Articles 1(1) and 6(1) — Concept of 'civil and commercial matters' — Undue payment made by a State entity — Claim for recovery of that payment in legal proceedings — Determination of the court having jurisdiction in the case where claims are connected — Close connection between the claims — Defendant domiciled in a non-member State)

(2013/C 156/16)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Land Berlin

Defendant: Ellen Mirjam Sapir, Michael J. Busse, Mirjam M. Birgansky, Gideon Rumney, Benjamin Ben-Zadok, Hedda Brown

Re:

Request for a preliminary ruling — Bundesgerichtshof — Interpretation of Article 1(1) and 6(1) of Council Regulation (EC) No 44/2001 of 22 December 2000, concerning jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Notion of 'civil and commercial matters' — Inclusion or not of an action for repayment of an amount unduly paid by a State body in an administrative procedure intended to compensate for damage caused by the Nazi regime

Operative part of the judgment

1. *Article 1(1) 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 the concept of 'civil and commercial matters' includes an action for recovery of an amount unduly paid in the case where a public body is required, by an authority established by a law providing compensation in respect of acts of persecution carried out by a totalitarian regime, to pay to a victim, by way of compensation, part of the proceeds of the sale of land, has, as the result of an unintentional error, paid to that person the entire sale price, and subsequently brings legal proceedings seeking to recover the amount unduly paid.*

2. *Article 6(1) of Regulation No 44/2001 must be interpreted as meaning that there is a close connection, within the meaning of that provision, between claims lodged against several defendants domiciled in other Member States in the case where the latter, in circumstances such as those at issue in the main proceedings, rely on rights to additional compensation which it is necessary to determine on a uniform basis.*

3. *Article 6(1) of Regulation No 44/2001 must be interpreted as meaning that it is not intended to apply to defendants who are not domiciled in another Member State, in the case where they are sued in proceedings brought against several defendants, some of who are also persons domiciled in the European Union.*

([1]) OJ C 80, 17.3.2012.

Judgment of the Court (Seventh Chamber) of 11 April 2013 — Mindo Srl v European Commission

(Case C-652/11 P) ([1])

(Appeals — Competition — Agreements, decisions and concerted practices — Italian market for the purchase and first processing of raw tobacco — Payment of the fine by the jointly and severally liable debtor — Interest in bringing proceedings — Burden of proof)

(2013/C 156/17)

Language of the case: English

Parties

Appellant: Mindo Srl (represented by: G. Mastrantonio, C. Osti and A. Prastaro, avvocati)

Other party to the proceedings: European Commission (represented by: N. Khan and L. Malferrari, Agents, assisted by F. Ruggeri Laderchi and R. Nazzini, avvocati)

Re:

Appeal brought against the judgment of the General Court (Third Chamber) of 5 October 2011 in Case T-19/06 *Mindo* v *Commission*, whereby the General Court held that there was no need to adjudicate on an action for annulment in part of Decision C(2005) 4012 final of 20 October 2005 relating to a proceeding under Article 81(1) [EC] (Case COMP/C.38.281/B.2 — Raw tobacco — Italy) concerning a cartel designed to fix prices paid to producers and other intermediaries and to share suppliers in the Italian raw tobacco market, and annulment or reduction of the fine imposed on the appellant — Appellant involved in an insolvency procedure in the course of the proceedings — No longer any interest in bringing proceedings

Operative part of the judgment

The Court:

1. *Sets aside the judgment of the General Court of the European Union of 5 October 2011 in Case T-19/06 Mindo v Commission;*

2. *Refers the case back to the General Court of the European Union;*

3. *Reserves the costs.*

([1]) OJ C 49, 18.2.2012.

Judgment of the Court (Third Chamber) of 21 March 2013 (request for a preliminary ruling from the Högsta förvaltningsdomstolen — Sweden) — Skatteverket v PFC Clinic AB

(Case C-91/12) ([1])

(VAT — Directive 2006/112/EC — Exemptions — Article 132(1)(b) and (c) — Hospital and medical care and closely related activities — Provision of medical care in the exercise of the medical and paramedical professions — Services consisting in the performance of plastic surgery and cosmetic treatments — Interventions of a purely cosmetic nature based solely on the patient's wishes)

(2013/C 156/18)

Language of the case: Swedish

Referring court

Högsta förvaltningsdomstolen

Parties to the main proceedings

Applicant: Skatteverket

Defendant: PFC Clinic AB

Re:

Request for a preliminary ruling — Högsta förvaltningsdomstolen — Interpretation of Article 132(1)(b) and (c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Exemptions for medical treatment and care services — Deduction of input tax — Provision of cosmetic and reconstructive surgery services — Whether account to be taken of the purpose of the operation or treatment

Operative part of the judgment

Article 132(1)(b) and (c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning:

— *supplies of services such as those at issue in the main proceedings, consisting in plastic surgery and other cosmetic treatments, fall within the concepts of 'medical care' and 'the provision of medical care' within the meaning of Article 132(1)(b) and (c) where those services are intended to diagnose, treat or cure diseases or health disorders or to protect, maintain or restore human health;*

— *the subjective understanding that the person who undergoes plastic surgery or a cosmetic treatment has of it are not in themselves decisive in order to determine whether that intervention has a therapeutic purpose;*

— *the fact that services such as those at issue in the main proceedings are supplied or undertaken by a licensed member of the medical profession or that the purpose of such services is determined by such a professional may influence the assessment of whether interventions such as those at issue in the main proceedings fall within the concept of 'medical care' or 'the provision of medical care' within the meaning of Article 132(1)(b) and (c) of Directive 2006/112 respectively;*

— *in order to determine whether supplies of services such as those at issue in the main proceedings are exempt from VAT pursuant to Article 132(1)(b) or (c) of Directive 2006/112 all the requirements laid down in subparagraphs 1(b) or (c) thereof must be taken into account as well as the other relevant provisions in Title IX, Chapters 1 and 2, of that directive such as, as far as concerns Article 132(1)(b), Articles 131, 133 and 134 thereof.*

([1]) OJ C 118, 21.4.2012.