

2. Are those provisions to be interpreted as meaning that that exemption applies in such circumstances where the company fails to prove that there is an essential link between the operation of the business and the making available of all or part of the property to the managers, administrators or members and, if so, is an indirect link sufficient?

(¹) OJ 1977 L 145, p. 1.

Action brought on 13 May 2011 — European Commission v Portuguese Republic

(Case C-223/11)

(2011/C 211/30)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by P. Guerra e Andrade and I. Hadjiyannis, Agents)

Defendant: Portuguese Republic

Form of order sought

The Commission claims that the Court should:

1. Declare that:
 - by failing to publish national and international plans for the management of river basins, the Portuguese State has failed to fulfil its obligations under Article 13(6), in conjunction with Article 13(1) and (2), of Directive 2000/60/EC; (¹)
 - by failing to publish and make available for comments to the public, including users, draft copies of the river basin management plans, the Portuguese State has failed to fulfil its obligations under Article 14(1)(c) of Directive 2000/60/EC;
 - by failing to send to the Commission copies of the plans for river basin management, the Portuguese State has failed to fulfil its obligations under Article 15(1) of Directive 2000/60/EC;
2. Order the Portuguese Republic to pay the costs.

Pleas in law and main arguments

Article 13 of Directive 2000/60/EC

Article 13(6), in conjunction with Article 13(1) and (2), of Directive 2000/60/EC, provides that the river basin management plans of every river basin district, whether national or international, falling entirely within the European Union must be published by 22 December 2009 at the latest.

The Commission has not been notified, nor is it aware, that any such plans have been published, so far as Portugal is concerned.

Article 14 of Directive 2000/60/EC

As the Directive makes clear, public participation is considered essential to the pursuit of the Directive's objectives.

The Commission has not been notified, nor is it aware, that any draft river basin management plans whatsoever have been published or made available for comments to the public, including users.

Article 15 of Directive 2000/60/EC

The Commission has received from the Portuguese State no copies of plans for river basin management or of those for national or international river basin districts.

(¹) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ 2000 L 327, p. 1).

Reference for a preliminary ruling from Upper Tribunal (Tax and Chancery Chamber) (Royaume-Uni) (United Kingdom) made on 13 May 2011 — Her Majesty's Commissioners of Revenue and Customs v Able UK Ltd

(Case C-225/11)

(2011/C 211/31)

Language of the case: English

Referring court

Upper Tribunal (Tax and Chancery Chamber) (Royaume-Uni)

Parties to the main proceedings

Applicant: Her Majesty's Commissioners of Revenue and Customs

Defendant: Able UK Ltd

Question referred

1. Is Article 151(1)(c) of the Principal VAT Directive (¹) to be interpreted as exempting a supply in the UK of services of dismantling obsolete US Navy ships for the US Department of Transportation Maritime Administration in either or both of the following circumstances:
 - (a) where that supply was not made to a part of the armed forces of a NATO member taking part in the common defence effort or to civilian staff accompanying them;

- (b) where that supply was not made to a part of the armed forces of a NATO member stationed in or visiting the United Kingdom or to civilian staff accompanying such forces?

⁽¹⁾ Council Directive 2006/112/EC. OJ L 347, p. 1

Reference for a preliminary ruling from the Cour de cassation (France) lodged on 16 May 2011 — Expedia Inc. v Autorité de la concurrence, Ministre de l'économie de l'industrie et de l'emploi, Société nationale des chemins de fer français (SNCF), Voyages-SNCF.Com, Agence Voyages-SNCF.Com, Société VFE Commerce, Société IDTGV, société par actions simplifiée

(Case C-226/11)

(2011/C 211/32)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Expedia Inc.

Defendants: Autorité de la concurrence, Ministre de l'économie de l'industrie et de l'emploi, Société nationale des chemins de fer français (SNCF), Voyages-SNCF.Com, Agence Voyages-SNCF.Com, Société VFE Commerce, Société IDTGV, société par actions simplifiée

Question referred

Should Article 101(1) TFEU and Article 3(2) of Regulation No 1/2003 ⁽¹⁾ be interpreted as precluding proceedings being brought and penalties being imposed by a national competition authority, on the grounds of both Article 101(1) TFEU and the national law of competition, in respect of a practice under agreements, decisions of associations of undertakings or concerted action that may affect trade between Member States, but which does not reach the thresholds specified by the European Commission in its notice of 22 December 2001 on agreements of minor importance which do not appreciably restrict competition under Article 81(1) of the Treaty establishing the European Community (*de minimis*) (OJ 2001 C 368, p. 13)?

⁽¹⁾ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).

Reference for a preliminary ruling from the Landgericht Düsseldorf (Germany) lodged on 16 May 2011 — Melzer v MF Global UK Ltd

(Case C-228/11)

(2011/C 211/33)

Language of the case: German

Referring court

Landgericht Düsseldorf

Parties to the main proceedings

Applicant: Melzer

Defendant: MF Global UK Ltd

Question referred

In the context of jurisdiction in matters relating to tort or delict under Article 5(3) of Regulation No 44/2001, ⁽¹⁾ where there is cross-border participation of several people in a tort or delict, is reciprocal attribution of the place where the event occurred admissible for determining the place where the harmful event occurred?

⁽¹⁾ 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).

Appeal brought on 17 May 2011 by Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE against the judgment of the General Court (Eighth Chamber) delivered on 3 March 2011 in Case T-589/08: Evropaïki Dynamiki v Commission

(Case C-235/11 P)

(2011/C 211/34)

Language of the case: English

Parties

Appellant: Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (represented by: N. Korogiannakis, M. Dermizakis, Δικηγόροι)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— Set aside the decision of the General Court,

— Annul the decision of the Commission (DG ENVI) to reject the bids submitted by the applicant for each of the three lots relating to open Invitation to Tender DG ENV.C2/FRA/2008/0017 'Framework contract for Emission Trading Scheme — CITL/CR' (2008/S72-096229) and to award those contracts to another tenderer,