

3. Articles 43 EC and 49 EC must be interpreted as meaning that, under the current state of EU law, the fact that an operator holds, in the Member State in which it is established, an authorisation permitting it to offer betting and gaming does not prevent another Member State, while complying with the requirements of EU law, from making such a provider offering such services to consumers in its territory subject to the holding of an authorisation issued by its own authorities.

(¹) OJ C 73, 10.03.2012.

Judgment of the Court (Third Chamber) of 12 September 2013 (request for a preliminary ruling from the Østre Landsret (Denmark)) — The Commissioners for Her Majesty's Revenue & Customs v Sunico ApS, M & B Holding ApS, Sunil Kumar Harwani

(Case C-49/12) (¹)

(Judicial cooperation in civil matters — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 — Article 1(1) — Scope — Concept of 'civil and commercial matters' — Action brought by a public authority — Damages in respect of involvement in a tax fraud by a third party not subject to VAT)

(2013/C 325/08)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicant: The Commissioners for Her Majesty's Revenue & Customs

Defendants: Sunico ApS, M & B Holding ApS, Sunil Kumar Harwani,

Re:

Request for a preliminary ruling — Østre Landsret — Interpretation of Article 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 (OJ 2001 L 12, p. 1) — Scope — Whether or not it covers a claim for damages in respect of non-payment of value added tax brought by the tax authorities of a Member State against undertakings and natural persons resident in another Member State and based on an alleged unlawful means conspiracy under the law of tort

Operative part of the judgment

The concept of 'civil and commercial matters' within the meaning of 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 it covers an action whereby a public authority of one Member State claims, as against natural and legal persons resident in another Member State, damages for loss caused by a tortious conspiracy to commit value added tax fraud in the first Member State.

(¹) OJ C 118, 21.4.2012.

Judgment of the Court (Third Chamber) of 12 September 2013 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Anton Schlecker, trading as 'Firma Anton Schlecker' v Melitta Josefa Boedeker

(Case C-64/12) (¹)

(Rome Convention on the law applicable to contractual obligations — Contract of employment — Article 6(2) — Applicable law in the absence of a choice made by the parties — Law of the country in which the employee 'habitually carries out his work' — Contract more closely connected with another Member State)

(2013/C 325/09)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Anton Schlecker, trading as 'Firma Anton Schlecker'

Defendant: Melitta Josefa Boedeker

Re:

Request for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Article 6(2) of the Convention on the law applicable to contractual obligations, opened for signature in Rome on 19 June 1980 (OJ 1980 L 266, p. 1) — Law applicable where none chosen — Employment contract — Law of the country in which the employee habitually carries out his work — Employee who has carried out his work for a lengthy period and without interruption in a particular Member State — Employment contract which appears, in the light of all the other circumstances of the case, to be very closely connected with another Member State