

Reference for a preliminary ruling from the Bundesgerichtshof (Germany), lodged on 27 January 2012 — Criminal proceedings against Vu Thang Dang

(Case C-39/12)

(2012/C 118/16)

Language of the case: German

Referring court

Bundesgerichtshof

Party to the main proceedings

Vu Thang Dang

Question referred

Are Articles 21 and 34 of Regulation (EC) No 810/2009, ⁽¹⁾ which regulate the issue and annulment of a uniform visa, to be interpreted as precluding criminal liability, resulting from the application of national legislation, for the smuggling of foreign nationals in cases where, although they hold visas, the persons smuggled obtained those visas by deceiving the competent authorities of another Member State as to the true purpose of their journey?

⁽¹⁾ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ 2009 L 243, p. 1).

Reference for a preliminary ruling from the Østre Landsret (Denmark), lodged on 31 January 2012 — The Commissioners for Her Majesty's Revenue and Customs v Sunico ApS, M & B Holding ApS, Sunil Kumar Harwani

(Case C-49/12)

(2012/C 118/17)

Language of the case: Danish

Referring court

Østre Landsret (Denmark)

Parties to the main proceedings

Appellants: The Commissioners for Her Majesty's Revenue and Customs

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

Question referred

Must Article 1 of Council Regulation (EC) No 44/2001 ⁽¹⁾ of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters be interpreted as meaning that its scope extends to cover a case in which the authorities of a Member State bring a claim for damages against undertakings and natural persons resident in another Member State on the basis of an allegation — made pursuant to the national law of the first Member State — of a tortious conspiracy to defraud consisting in involvement in the withholding of VAT due to the first Member State?

⁽¹⁾ OJ 2001 L 12, p. 1.

Appeal brought on 3 February 2012 by European Federation of Ink and Ink Cartridge Manufacturers (EFIM) against the judgment of the General Court (Fifth Chamber) delivered on 24 November 2011 in Case T-296/09 European Federation of Ink and Ink Cartridge Manufacturers (EFIM) v European Commission

(Case C-56/12 P)

(2012/C 118/18)

Language of the case: German

Parties

Appellant: European Federation of Ink and Ink Cartridge Manufacturers (EFIM) (represented by: D. Ehle, Rechtsanwalt)

Other parties to the proceedings: European Commission, Lexmark International Technology SA

Form of order sought

— Set aside the judgment of the General Court of 24 November 2011 in Case T-296/09 and determine the underlying dispute;

— allow the applications made at first instance and thus annul Commission Decision C(2009) 4125 of 20 May 2009 in a proceeding pursuant to Article 82 EC (Article 102 TFEU);

— order the Commission and Lexmark International Technology SA to pay the costs of the proceedings at first instance and of the present appeal.