

**Parties to the main proceedings**

*Applicant:* Granarolo SpA

*Defendant:* Ambrosi Emmi France SA

**Operative part of the judgment**

1. Article 5(3) 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 an action for damages founded on an abrupt termination of a long-standing business relationship, such as the termination at issue in the main proceedings, is not a matter relating to tort, delict or quasi-delict within the meaning of that regulation if a tacit contractual relationship existed between the parties, a matter which is for the referring court to ascertain. Demonstration of the existence of a tacit contractual relationship of that kind must be based on a body of consistent evidence, which may include in particular the existence of a long-standing business relationship, the good faith between the parties, the regularity of the transactions and their development over time expressed in terms of quantity and value, any agreements as to prices charged and/or discounts granted, and the correspondence exchanged.
2. Article 5(1)(b) of Regulation No 44/2001 must be interpreted as meaning that a long-standing business relationship, such as that at issue in the main proceedings, is to be classified as a 'contract for the sale of goods' if the characteristic obligation of the contract at issue is the supply of goods or as a 'contract for the provision of services' if the characteristic obligation is a supply of services, a matter which is for the referring court to determine.

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<sup>(1)</sup> OJ C 213, 29.6.2015.

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**Judgment of the Court (Second Chamber) of 30 June 2016 (request for a preliminary ruling from the Judecătoria Sibiu — Romania) — Direcția Generală Regională a Finanțelor Publice Brașov (DGRFP) v Vasile Toma, Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci**

(Case C-205/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Article 47 — Right of access to a court — Principle of equality of arms — Principles of equivalence and effectiveness — Proceedings for the enforcement of a judicial decision ordering the repayment of a tax levied in breach of EU law — Exemption of public authorities from certain legal costs — Jurisdiction of the Court)*

(2016/C 335/25)

Language of the case: Romanian

**Referring court**

Judecătoria Sibiu

**Parties to the main proceedings**

*Applicant:* Direcția Generală Regională a Finanțelor Publice Brașov (DGRFP)

*Defendants:* Vasile Toma, Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci

**Operative part of the judgment**

Article 47 of the Charter of Fundamental Rights of the European Union and the principles of equivalence and effectiveness must be interpreted as not precluding legislation such as that at issue in the main proceedings which exempts legal persons governed by public law from judicial stamping fees when they lodge an objection to the enforcement of a judicial decision relating to the repayment of taxes levied in breach of EU law and exempts those persons from the obligation to lodge a security at the time of bringing an application for a stay of such enforcement proceedings, while the applications submitted by legal and natural persons governed by private law in the context of such procedures remain, in principle, subject to court costs.

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<sup>(1)</sup> OJ C 245, 27.7.2015.

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**Judgment of the Court (Eighth Chamber) of 7 July 2016 — Republic of Poland v European Commission**

(Case C-210/15 P) <sup>(1)</sup>

**(Appeal — EAGGF and EAFRD — Expenditure excluded from EU financing — Regulations (EC) No 1257/1999 and No 1698/2005 — Early retirement of farmers and farm workers — Definitive cessation of all commercial farming activity)**

(2016/C 335/26)

Language of the case: Polish

**Parties**

Appellant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Other party to the proceedings: European Commission (represented by: A. Szmytkowska and D. Triantafyllou, acting as Agents)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders the Republic of Poland to pay the costs.

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<sup>(1)</sup> OJ C 236, 20.7.2015.

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**Judgment of the Court (Second Chamber) of 7 July 2016 (request for a preliminary ruling from the Pécsi Törvényszék — Hungary) — Hószig Kft. v Alstom Power Thermal Services**

(Case C-222/15) <sup>(1)</sup>

**(Reference for a preliminary ruling — Jurisdiction clause — Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 — Article 23 — Clause inserted in the general conditions — Consent of the parties to those conditions — Validity and precision of such a clause)**

(2016/C 335/27)

Language of the case: Hungary

**Referring court**

Pécsi Törvényszék