

**Re:**

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Article 6(1) of the Brussels Convention — More than one defendant — Actions for infringement of a European patent brought against companies established in various European States — Jurisdiction of the Courts of the principal place of business of one of the companies.

**Operative part of the judgment**

Article 6(1) of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, as amended most recently by the Convention of 29 November 1996 on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, must be interpreted as meaning that it does not apply in European patent infringement proceedings involving a number of companies established in various Contracting States in respect of acts committed in one or more of those States even where those companies, which belong to the same group, may have acted in an identical or similar manner in accordance with a common policy elaborated by one of them.

<sup>(1)</sup> OJ C 59, 6.3.2004.

**Judgment of the Court (Third Chamber) of 13 July 2006 — Commission of the European Communities v Volkswagen AG**

(Case C-74/04 P) <sup>(1)</sup>

**(Appeal — Competition — Article 81(1) EC — Distribution of motor vehicles — Meaning of ‘agreements between undertakings’ — Proof of the existence of an agreement)**

(2006/C 224/03)

Language of the case: German

**Parties**

*Appellant:* Commission of the European Communities (represented by: W. Mölls, Agent, H.-J. Freund, Rechtsanwalt)

*Other party to the proceedings:* Volkswagen AG (represented by: R. Bechtold and S. Hirsbrunner, Rechtsanwälte)

**Re:**

Appeal against the judgment of the Court of First Instance (Fourth Chamber) of 3 December 2003 in Case T-208/01 *Volkswagen AG v Commission*, annulling Commission Decision 2001/711/EC of 29 June 2001 relating to a proceeding under Article 81 of the EC Treaty (Case COM P/F-2/36.693 — Volkswagen) (OJ 2001 L 262, p. 14) — Conduct of Volkswagen vis-à-vis its German dealers in connection with the marketing of the new ‘Volkswagen Passat Variant’ model

**Operative part of the judgment**

The Court hereby:

1. Dismisses the appeal;
2. Orders the Commission of the European Communities to pay the costs.

<sup>(1)</sup> OJ C 94, 17.4.2004.

**Judgment of the Court (Grand Chamber) of 18 July 2006 — Commission of the European Communities v Italian Republic**

(Case C-119/04) <sup>(1)</sup>

**(Failure of a Member State to fulfil obligations — Judgment of the Court establishing failure — Non-compliance — Article 228 EC — Financial penalties — Recognition of acquired rights of former foreign-language assistants)**

(2006/C 224/04)

Language of the case: Italian

**Parties**

*Applicant:* Commission of the European Communities (represented by: E. Traversa and L. Pignataro, Agents)

*Defendant:* Italian Republic (represented by: I. M. Braguglia, Agent, and M. Fiorilli, Avvocato)

**Re:**

Failure of a Member State to fulfil obligations — Article 228 EC — Failure to comply with the judgment of 26 June 2001 in Case C-212/99 — Infringement of Article 48 EC (now, after amendment, Article 39 EC) — Recognition of the acquired rights of former foreign-language assistants — Application for the imposition of a penalty payment

**Operative part of the judgment**

1. The Court declares that by not ensuring, at the date of expiry of the period prescribed in the reasoned opinion, recognition of the rights acquired by former assistants who have become associates and linguistic experts, even though such recognition is guaranteed to all national workers, the Italian Republic has failed to take all the measures necessary to comply with the judgment of 26 June 2001 in Case C-212/99 *Commission v Italy* and has therefore failed to fulfil its obligations under Article 228 EC.
2. Dismisses the action as to the remainder;
3. Orders the Italian Republic to pay the costs.

<sup>(1)</sup> OJ C 106, 30.4.2004.