

### Operative part of the judgment

Article 13B(f) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, must be interpreted as meaning that the provision of call centre services to a telephone bookmaking organiser, which entails the staff of the supplier of those services accepting bets on behalf of the organiser, does not constitute a betting transaction within the meaning of that provision and cannot, therefore, qualify for the exemption from VAT laid down by that provision.

(<sup>1</sup>) OJ C 106, 30.4.2005.

### Judgment of the Court (Second Chamber) of 13 July 2006 (reference for a preliminary ruling from the Oberster Gerichtshof (Austria)) — Reisch Montage AG v Kiesel Baumaschinen Handels GmbH

(Case C-103/05) (<sup>1</sup>)

(Regulation (EC) No 44/2001 — Article 6(1) — Cases where there is more than one defendant — Action brought in a Member State against a person domiciled in that State who is the subject of bankruptcy proceedings and a co-defendant domiciled in another Member State — Inadmissibility of the action against the person who is the subject of bankruptcy proceedings — Jurisdiction of the court seised in relation to the co-defendant)

(2006/C 224/21)

Language of the case: German

### Referring court

Oberster Gerichtshof

### Parties to the main proceedings

Applicant: Reisch Montage AG

Defendant: Kiesel Baumaschinen Handels GmbH

### Re:

Reference for a preliminary ruling — Oberster Gerichtshof — Interpretation of Article 6(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) — Multiple defendants — Action brought in a Contracting State against a first defendant domiciled in that State and a co-defendant domiciled in another Contracting State — Inadmissibility of the action against that first defendant, the subject of bankruptcy proceedings — Jurisdiction of the court seised in relation to the co-defendant

### Operative part of the judgment

Article 6(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, in a situation such as that in the main proceedings, that provision may be relied on in the context of an action brought in a Member State against a defendant domiciled in that State and a co-defendant domiciled in another Member State even when that action is regarded under a national provision as inadmissible from the time it is brought in relation to the first defendant.

(<sup>1</sup>) OJ C 132, 28.5.2005.

### Judgment of the Court (Second Chamber) of 13 July 2006 — Commission of the European Communities v Portu- guese Republic

(Case C-191/05) (<sup>1</sup>)

(Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Special protection area — Alteration without scientific basis)

(2006/C 224/22)

Language of the case: Portuguese

### Parties

Applicant: Commission of the European Communities (represented by: M. van Beek and A. Caeiros, Agents)

Defendant: Portuguese Republic (represented by: L. Fernandes, Agent)

### Re:

Failure of a Member State to fulfil obligations — Infringement of Article 4(1) of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1) — Special protection area — Alteration without scientific basis