

Judgment of the Court (Grand Chamber) of 17 June 2010
(reference for a preliminary ruling from the Fővárosi
Bíróság (Republic of Hungary)) — Nawras Bolbol v
Bevándorlási és Állampolgársági Hivatal

(Case C-31/09) ⁽¹⁾

(Directive 2004/83/EC — Minimum standards for the qualification and status of third country nationals or stateless persons as refugees — Stateless person of Palestinian origin who has not sought protection or assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) — Application for refugee status — Refusal based on a failure to meet the conditions laid down in Article 1A of the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 — Right of that stateless person to be recognised as a refugee on the basis of the second sentence of Article 12(1)(a) of Directive 2004/83)

(2010/C 221/13)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicant: Nawras Bolbol

Defendant: Bevándorlási és Állampolgársági Hivatal

Re:

Reference for a preliminary ruling — Fővárosi Bíróság (Hungary) — Interpretation of Article 12(1)(a) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12) — Stateless person of Palestinian origin who has not availed herself of the protection and assistance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), whose application seeking the grant of refugee status has been refused on the ground of failure to meet the conditions laid down in Article 1A of the Geneva Convention — Right of that stateless person to be granted refugee status on the basis of the second sentence of Article 12(1)(a) of Directive 2004/83/EC

Operative part of the judgment

For the purposes of the first sentence of Article 12(1)(a) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, a person receives protection or assistance from an agency of the United Nations other than the United Nations High Commissioner for Refugees, when that person has actually availed himself of that protection or assistance.

⁽¹⁾ OJ C 82, 04.04.2009.

Judgment of the Court (Third Chamber) of 10 June 2010 —
European Commission v Republic of Portugal

(Case C-37/09) ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Environment — Management of illegally disposed of waste — Directive 2006/12/EC — Directive 80/68/EEC)

(2010/C 221/14)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: B. Laignelot, S. Pardo Quintillán and P. Guerra e Andrade, acting as Agents)

Defendant: Republic of Portugal (represented by: L. Inez Fernandes, M. J. Lois and P. Lopes, acting as Agents)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 4 and 5 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ 2006 L 114, p. 9), which codified Directive 75/442/EEC on waste and Articles 3 and 5 of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances (OJ 1980 L 20, p. 43) — Landfill of waste in disused quarries — ‘dos Limas, dos Linos e dos Barreiras’ quarries (Lourosa) — Lack of scrutiny

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, all the measures necessary, within the framework of the management of waste illegally placed in the old quarries of Limas and Linos, situated in the commune of Lourosa, the Portuguese Republic has failed to fulfil its obligations under the terms of Articles 4 and 8 respectively of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste, which codified Directive 75/442/EEC on waste and Articles 3 and 5 of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances;
2. Dismisses the remainder of the action;
3. Orders the Republic of Portugal to bear its own costs and to pay two-thirds of the costs incurred by the Commission. Orders the Commission to bear one-third of its own costs.

(¹) OJ C 82, 4.4.2009

Judgment of the Court (Fourth Chamber) of 24 June 2010 — Barbara Becker v Harman International Industries, Inc., Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-51/09 P) (¹)

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Word mark Barbara Becker — Opposition by the proprietor of the Community word marks BECKER and BECKER ONLINE PRO — Assessment of the likelihood of confusion — Assessment of the conceptual similarity of the signs)

(2010/C 221/15)

Language of the case: English

Parties

Appellant: Barbara Becker (represented by: P. Baronikians, Rechtsanwalt)

Other parties to the proceedings: Harman International Industries, Inc. (represented by: M. Vanhegan, Barrister), Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 2 December 2008 in Case T-212/07 *Harman International Industries v OHIM — Becker (Barbara Becker)*, in which the Court of First Instance annulled Decision R 502/2006-1 of the First Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 7 March 2007 annulling the Opposition Division's decision refusing the registration of the word mark 'Barbara Becker' for goods in Class 9 in opposition proceedings brought by Harman International Industries, Inc.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 2 December 2008 in Case T-212/07 *Harman International Industries v OHIM — Becker (Barbara Becker)*;
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

(¹) OJ C 82, 4.4.2009.

Judgment of the Court (First Chamber) of 10 June 2010 (reference for a preliminary ruling from the Bundesfinanzhof — Germany) — Leo-Libera GmbH v Finanzamt Buchholz in der Nordheide

(Case C-58/09) (¹)

(Reference for a preliminary ruling — Value added tax — Directive 2006/112/EC — Article 135(1)(i) — Exemption of betting, lotteries and other forms of gambling — Conditions and limitations — Discretionary power of the Member States)

(2010/C 221/16)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: Leo-Libera GmbH

Defendant: Finanzamt Buchholz in der Nordheide