

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

Re:

Reference for a preliminary ruling — Bundesfinanzhof — Interpretation of Article 135(1)(i) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — National legislation exempting from VAT only certain forms of betting and lotteries and excluding from that exemption all other forms of gambling

Operative part of the judgment

Article 135(1)(i) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning that the exercise of the discretionary power of the Member States to fix conditions and limitations on the exemption from value added tax provided for by that provision allows those States to exempt from that tax only certain forms of gambling.

⁽¹⁾ OJ C 113, 16.5.2009.

Judgment of the Court (Fourth Chamber) of 17 June 2010
(reference for a preliminary ruling from the Commissione tributaria provinciale di Alessandria — Italy) — *Agra Srl v Agenzia Dogane Ufficio delle Dogane di Alessandria*

(Case C-75/09) ⁽¹⁾

(Regulation (EEC) No 2913/92 — Community Customs Code — Article 221(3) and (4) — Post-clearance recovery of the customs debt — Limitation period — Act which could give rise to criminal court proceedings)

(2010/C 221/17)

Language of the case: Italian

Referring court

Commissione tributaria provinciale di Alessandria

Parties to the main proceedings

Applicant: Agra Srl

Defendant: Agenzia Dogane Ufficio delle Dogane di Alessandria

Re:

Reference for a preliminary ruling — Commissione Tributaria Provinciale di Alessandria — Interpretation of Article 221(3) and (4) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Recovery of the customs debt — Exceeding the time-limit for communicating the amount of duty to be recovered in the case of a debt resulting from an act that could give rise to criminal court proceedings — National legislation providing for the suspension of that time-limit until the decision given on the criminal proceedings initiated because of the act that caused the customs debt has become definitive.

Operative part of the judgment

Article 221(3) and (4) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000, must be interpreted as not precluding national legislation under which, where the failure to pay customs duty has its origins in a criminal offence, time for the purposes of the limitation period for recovery of the customs debt is to run from the date on which the order or judgment in the criminal proceedings becomes final.

⁽¹⁾ OJ C 102, 1.5.2009.

Judgment of the Court (Second Chamber) of 10 June 2010
(reference for a preliminary ruling from the VAT and Duties Tribunal, Manchester — United Kingdom) — *Future Health Technologies Limited v The Commissioners for Her Majesty's Revenue and Customs*

(Case C-86/09) ⁽¹⁾

(Value added tax — Directive 2006/112/EC — Exemptions — Article 132(1)(b) and (c) — Hospital and medical care and closely related activities — Provision of medical care in the exercise of the medical and paramedical professions — Collection, testing and processing of umbilical cord blood — Storage of stem cells — Possible future therapeutic use — Transactions comprising a bundle of features and acts)

(2010/C 221/18)

Language of the case: English

Referring court

VAT and Duties Tribunal, Manchester