

Judgment of the Court (Eighth Chamber) of 22 December 2010 — European Commission v Czech Republic

(Case C-276/10) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Environment — Directive 2006/118/EC — Protection of groundwater against pollution and deterioration — Failure to transpose within the prescribed period)

(2011/C 63/21)

Language of the case: Czech

Parties

Applicant: European Commission (represented by: S. Pardo Quintillán and L. Jelinek, acting as Agents)

Defendant: Czech Republic (represented by: M. Smolek and J. Jirkalová, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, or to communicate within the prescribed period, the measures necessary to comply with Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ 2006 L 372, p. 19)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative measures necessary to comply with Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration, the Czech Republic has failed to fulfil its obligations under Article 12 of that directive.

2. Orders the Czech Republic to pay the costs.

⁽¹⁾ OJ C 209, 31.07.2010.

Judgment of the Court (Third Chamber) of 22 December 2010 (reference for a preliminary ruling from the Tribunal administratif — Luxembourg) — Tankreederei I SA v Directeur de l'administration des contributions directes

(Case C-287/10) ⁽¹⁾

(Freedom to provide services — Free movement of capital — Tax credit for investments — Grant linked to the physical use of the investments on national territory — Use of inland navigation vessels used in other Member States)

(2011/C 63/22)

Language of the case: French

Referring court

Tribunal administratif

Parties to the main proceedings

Applicant: Tankreederei I SA

Defendant: Directeur de l'administration des contributions directes

Re:

Reference for a preliminary ruling — Tribunal administratif de Luxembourg — Interpretation of Articles 49 EC and 56 EC — Tax credits for investments — Legislation under which such a credit is granted only if the investment is made in an establishment situated in national territory and physically used in that territory — Company engaged in international shipping activities which is established and taxable in Luxembourg but has made an investment consisting of the acquisition of an asset used primarily outside of the national territory — Obstacle to the freedom to provide services and the free movement of capital

Operative part of the judgment

Article 56 TFEU is to be interpreted as precluding a provision of a Member State pursuant to which the benefit of a tax credit for investments is denied to an undertaking which is established solely in that Member State on the sole ground that the capital goods, in respect of which that credit is claimed, are physically used in the territory of another Member State.

⁽¹⁾ OJ C 221, 14.08.2010.

Judgment of the Court (First Chamber) of 22 December 2010 (reference for a preliminary ruling from the Oberlandesgericht Celle (Germany)) — Joseba Andoni Aguirre Zarraga v Simone Pelz

(Case C-491/10 PPU) ⁽¹⁾

(Judicial cooperation in civil matters — Regulation (EC) No 2201/2003 — Jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility — Parental responsibility — Rights of custody — Child abduction — Article 42 — Enforcement of a certified judgment ordering the return of a child handed down by a (Spanish) court with jurisdiction — Power of the requested (German) court to refuse enforcement of that judgment in a case of serious infringement of the child's rights)

(2011/C 63/23)

Language of the case: German

Referring court

Oberlandesgericht Celle

Parties to the main proceedings

Applicant: Joseba Andoni Aguirre Zarraga

Defendant: Simone Pelz