

2. In a case like the present one involving a medicinal product comprising more than one active ingredient, are there further or different criteria for determining whether or not 'the product is protected by a basic patent' according to Article 3(a) of the Regulation and, if so, what are those further or different criteria?

3. In a case like the present one involving a multi-disease vaccine, are there further or different criteria for determining whether or not 'the product is protected by a basic patent' according to Article 3(a) of the Regulation and, if so, what are those further or different criteria?

4. For the purposes of Article 3(a), is a multi-disease vaccine comprising multiple antigens 'protected by a basic patent' if one antigen of the vaccine is 'protected by the basic patent in force'?

5. For the purposes of Article 3(a), is a multi-disease vaccine comprising multiple antigens 'protected by a basic patent' if all antigens directed against one disease are 'protected by the basic patent in force'?

6. Does the SPC Regulation and, in particular, Article 3(b); permit the grant of a Supplementary Protection Certificate for a single active ingredient or combination of active ingredients where:

(a) a basic patent in force protects the single active ingredient or combination of active ingredients within the meaning of Article 3(a) of the SPC Regulation; and

(b) a medicinal product containing the single active Ingredient or combination of active Ingredients together with one or more other active ingredients is the subject of a valid authorisation granted in accordance with Directive 2001/83/EC <sup>(2)</sup> or 2001/82/EC <sup>(3)</sup> which is the first marketing authorization that places the single active Ingredient or combination of active ingredients on the market?

<sup>(3)</sup> Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products  
OJ L 311, p. 1

**Reference for a preliminary ruling from the Okresní Soud v Chebu (Czech Republic) lodged on 5 July 2010 —  
Hypoteční banka, a.s. v Udo Mike Lindner**

(Case C-327/10)

(2010/C 246/49)

*Language of the case: Czech*

**Referring court**

Okresní Soud v Chebu

**Parties to the main proceedings**

*Applicant:* Hypoteční banka, a.s.

*Defendant:* Udo Mike Lindner

**Questions referred**

1. If one of the parties to court proceedings is a national of a State other than the one in which those proceedings are taking place, does that fact provide a basis for the cross-border element within the meaning of Article 81 (formerly Article 65) of the Treaty, which is one of the conditions for the applicability of Council Regulation (EC) No 44/2001 <sup>(1)</sup> of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ('the Brussels I Regulation')?

2. Does the Brussels I Regulation preclude the use of provisions of national law which enable proceedings to be brought against persons of unknown address?

3. If Question 2 is answered in the negative, can the making of submissions by a court-appointed guardian of the defendant in the case be regarded on its own as submission by the defendant to the jurisdiction of the local court for the purposes of Article 24 of the Brussels I Regulation, even where the subject-matter of the dispute is a claim arising out of a consumer contract and the courts of the Czech Republic would not have jurisdiction under Article 16(2) of that regulation to determine that dispute?

<sup>(1)</sup> Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (Codified version) (Text with EEA relevance)  
OJ L 152, p. 1

<sup>(2)</sup> Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use  
OJ L 311, p. 67

4. Can an agreement on the local jurisdiction of a particular court be regarded as establishing the international jurisdiction of the chosen court for the purposes of Article 17(3) of the Brussels I Regulation, and, if so, does that apply even if the agreement on local jurisdiction is invalid for conflict with Article 6(1) of Council Directive 93/13/EEC <sup>(2)</sup> of 5 April 1993 on unfair terms in consumer contracts?

<sup>(1)</sup> OJ 2001 L 12, p. 1.

<sup>(2)</sup> OJ 1993 L 95, p. 29.

**Reference for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands), lodged on 12 July 2010 — X; other party: Staatssecretaris van Financiën**

**(Case C-334/10)**

(2010/C 246/50)

*Language of the case: Dutch*

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Appellant:* X

*Other party:* Staatssecretaris van Financiën

**Questions referred**

1. Regard being had to Article 6(2), first subparagraph, (a) and (b), Article 11.A(1)(c) and Article 17(2) of the Sixth Directive, <sup>(1)</sup> is a taxable person who makes temporary use for private purposes of part of a capital item of his business entitled to deduct the VAT levied on expenditure incurred in respect of permanent alterations carried out exclusively with a view to that use for private purposes?
2. For the purpose of answering this question, does it make any difference whether the taxable person was charged VAT, which he deducted, on the acquisition of the capital item?

<sup>(1)</sup> 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 (OJ 1977 L 145, p. 1).

**Action brought on 29 June 2010 — European Commission v Republic of Cyprus**

**(Case C-340/10)**

(2010/C 246/51)

*Language of the case: Greek*

**Parties**

*Applicant:* European Commission (represented by: Georgios Zavvos and Donatella Recchia)

*Defendant:* Republic of Cyprus

**Form of order sought**

The applicant claims that the Court should:

- declare that, by not having included the area of Paralimni Lake in the national list of proposed sites of Community importance, the Republic of Cyprus has failed to fulfil its obligations under Article 4(1) of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- declare that, by tolerating activities which place the ecological characteristics of Paralimni Lake at serious risk and by not having taken the protective measures necessary to safeguard the population of *Natrix natrix cypriaca*, the species which constitutes the ecological interest of Paralimni Lake and Xiliatos Dam, the Republic of Cyprus has failed to fulfil its obligations under Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora as interpreted by the Court in Cases C-117/03 and C-224/05;
- declare that, by not having taken the requisite measures to establish and apply a system of strict protection for the *Natrix natrix cypriaca*, the Republic of Cyprus has failed to fulfil its obligations under Article 12(1) of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;