

*Other party to the proceedings:* European Commission (represented by: H. Tserepa-Lacombe and F. Jimeno Fernández, Agents)

## Re:

Appeal brought against the judgment of the Court of First Instance (Eighth Chamber) of 11 June 2009, in Case T-33/07 *Greece v Commission*, by which that court dismissed an application for the partial annulment of Commission Decision 2006/932/EC of 14 December 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2006) 5993) — Olive oil, cotton, dried grapes and citrus fruit sectors

## Operative part of the judgment

*The Court:*

1. Dismisses the appeal;
2. Orders the Hellenic Republic to pay the costs.

(<sup>1</sup>) OJ C 244, 10.10.2009.

**Order of the Court (Sixth Chamber) of 20 January 2011 — (reference for a preliminary ruling from the Rechtbank van eerste aanleg te Antwerpen (Belgium)) — Criminal proceedings against Aboulkacem Chihabi and Others**

(Case C-432/10) (<sup>1</sup>)

**(Reference for a preliminary ruling — Manifest inadmissibility)**

(2011/C 173/04)

*Language of the case:* Dutch

## Referring court

Rechtbank van eerste aanleg te Antwerpen

## Parties to the main criminal proceedings

Aboulkacem Chihabi, Mustapha Chihabi, Trans Atlantic International, Dani Danieli, Roland Prosper Julia Jozef Peeters, Jacobus Robert Maria Wick, Shlomo Ben-David, David Ben-David, Yehuda Cohen, Johannes Josephus Maria van Aert, Mirella Cohen, Roland Prosper Julia Jozef Peeters, Brigitte Frieda Guido Briels, Monty Lambert Pieters, Jemmy Jozef Juliette Pieters, Peter Edouard Martha Kilian, Yehuda Cohen, Herman Jozef Albert Van Landeghem, Van Landeghem BVBA, Roland Prosper Julia Jozef Peeters, Herman Jozef Albert Van Landeghem, Van Landeghem BVBA, Brigitte Frieda Guido Briels, Monty Lambert Pieters, Jemmy Jozef Juliette Pieters, Mediterranean Shipping Company Belgium NV, Mirella Cohen, Roland Prosper Julia Jozef Peeters, Brigitte Frieda Guido Briels, Monty Lambert Pieters, Jemmy Jozef Juliette Pieters, Peter Edouard Martha Kilian, Yehuda Cohen, Yves Claude Robert Van De Merckt, CMA CGM Belgium NV, CMA CGM Logistics NV, Herman Jozef Albert Van Landeghem, Van Landeghem

BVBA, Rudi François Albertine Avaert, Ronny Bruno Van Wesenbeeck, Wally Louis Alice De Vooght, Christian Gustave Alain Bekkers, Avraham Dror, Yehuda Cohen, Yehuda Cohen, Frank Jozef Hilda Decock, Rubi Danieli, Dani Danieli, Jean Marie Dom, Roland Prosper Julia Jozef Peeters, Peter Edouard Martha Kilian, Simeon Beniurishvili, Ludo Maria Jan Gijsen, Van Landeghem BVBA, Anex BVBA, Pasha Tech Ltd, Louis Simon Catherina De Vos, Aboulkacem Chihabi, Herman Jozef Albert Van Landeghem, Deba BVBA, Universal Shipping NV, DFDS Transport NV, ACR Logistics Belgium NV, Forwarding & Shipping Group NV, Mister-Trans BVBA, Firma De Vos NV, Yehuda Cohen, Avraham Dror, Aboulkacem Chihabi, Peter Edouard Martha Kilian, Louis Simon Catherina De Vos, Roland Prosper Julia Jozef Peeters, Jemmy Jozef Juliette Pieters, Yves Claude Robert Van De Merckt, Dani Danieli, Rubi Danieli, Dov Horny, Albert Tizov, Gocha Tizov, Herman Jozef Albert Van Landeghem, Christiaan Marcel Hélène Hendrickx

*Intervening party:* Geert Vandendriessche

## Re:

Reference for a preliminary ruling — Rechtbank van eerste aanleg te Antwerpen — Interpretation of Articles 5, 38 to 41 and 43, second indent of Article 177 and Articles 202(1) and (3) and 221(1) and (3) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) and of Article 199(1) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1) — Post-clearance recovery of import or export duties — Communication to the debtor — Creation of a customs debt following the unlawful introduction of goods

## Operative part of the order

*The reference for a preliminary ruling from the Rechtbank van eerste aanleg te Antwerpen, made by decision of 31 May 2007, is manifestly inadmissible.*

(<sup>1</sup>) OJ C 301, 6.11.2010.

**Reference for a preliminary ruling from the Bundespatentgericht (Germany) lodged on 25 February 2011 — Alfred Strigl v Deutsches Patent- und Markenamt**

(Case C-90/11)

(2011/C 173/05)

*Language of the case:* German

## Referring court

Bundespatentgericht

## Parties to the main proceedings

*Applicant:* Alfred Strigl

*Defendant:* Deutsches Patent- und Markenamt

### Question referred

Is the ground for refusal under Article 3(1)(b) and/or (c) of Directive 2008/95/EC <sup>(1)</sup> also applicable to a word sign which consists of a descriptive word combination and a non descriptive letter sequence, if the trade perceives the letter sequence as an abbreviation of the descriptive words because it reproduces their initial letters, and the trade mark as a whole can thus be construed as a combination of mutually explanatory descriptive indications or abbreviations?

<sup>(1)</sup> Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version); OJ 2008 L 299, p. 25.

**Reference for a preliminary ruling from the Bundespatentgericht (Germany) lodged on 25 February 2011 — Securvita Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH v Öko-Invest Verlagsgesellschaft mbH; Other party: Deutsches Patent- und Markenamt**

(Case C-91/11)

(2011/C 173/06)

*Language of the case: German*

### Referring court

Bundespatentgericht

### Parties to the main proceedings

*Applicant:* Securvita Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH

*Defendant:* Öko-Invest Verlagsgesellschaft mbH

*Other party:* Deutsches Patent- und Markenamt

### Question referred

Is the ground for refusal under Article 3(1)(b) and/or (c) of Directive 2008/95/EG <sup>(1)</sup> also applicable to a word sign which consists of a letter sequence which is non-descriptive — when considered on its own — and a descriptive word combination, if the trade perceives the letter sequence as an abbreviation of the descriptive words because it reproduces their initial letters, and the trade mark as a whole can thus be construed as a combination of mutually explanatory descriptive indications or abbreviations?

<sup>(1)</sup> Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version) (Text with EEA relevance); OJ 2008 L 299, p. 25.

**Reference for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 2 March 2011 — Federal Republic of Germany v Z**

(Case C-99/11)

(2011/C 173/07)

*Language of the case: German*

### Referring court

Bundesverwaltungsgericht

### Parties to the main proceedings

*Applicant:* Federal Republic of Germany

*Defendant:* Z

*Other parties:* Der Vertreter des Bundesinteresses beim Bundesverwaltungsgericht (The Representative of Federal Interests at the Federal Administrative Court); Der Bundesbeauftragte für Asylangelegenheiten beim Bundesamt für Migration und Flüchtlinge (Federal Commissioner for Asylum issues at the Federal Office for Migration and Refugees)

### Questions referred

1. Is Article 9(1)(a) of Directive 2004/83/EC <sup>(1)</sup> to be interpreted as meaning that not every interference with religious freedom which breaches Article 9 of the European Convention on Human Rights constitutes an act of persecution within the meaning of Article 9(1)(a) of Directive 2004/83/EC, but that a severe violation of religious freedom as a basic human right arises only if the core area of that religious freedom is adversely affected?
2. If question 1 is to be answered in the affirmative:
  - (a) Is the core area of religious freedom limited to the profession and practice of faith in the areas of the home and neighbourhood, or can there be an act of persecution, within the meaning of Article 9(1)(a) of Directive 2004/83/EC, also in cases where, in the country of origin, the practice of faith in public gives rise to a risk to life or limb or physical freedom and the applicant accordingly abstains from such practice?
  - (b) If the core area of religious freedom can also comprise certain religious practices in public:
    - does it suffice in that case, in order for there to be a severe violation of religious freedom, that the applicant feels that such practice of his faith is indispensable in order for him to preserve his religious identity,
    - or is it further necessary that the religious community to which the applicant belongs should regard that religious practice as constituting a central part of its doctrine,
    - or can further restrictions arise as a result of other circumstances, such as the general conditions in the country of origin?