

Defendant: Kingdom of Belgium (represented by: T. Materne and J.-C. Halleux, acting as Agents, and by F. Libert and S. Rodrigues, avocats)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 34 TFEU and of Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ 1999 L 138, p. 57) — National legislation requiring the production of a certificate of conformity of a vehicle for the purpose of a roadworthiness test prior to the registration of a vehicle which was previously registered in another Member State — Non-recognition of the results of the roadworthiness tests carried out in other Member States — Restriction on the free movement of goods — Absence of justifications

Operative part of the judgment

The Court:

1. Declares that, by requiring systematically, in addition to production of a certificate of registration, production of a vehicle's certificate of conformity, for the purpose of a roadworthiness test prior to the registration of a vehicle previously registered in another Member State, and by making such vehicles, when there is a change of ownership, subject to a roadworthiness test prior to their registration, without taking into account the results of the roadworthiness test carried out in another Member State, the Kingdom of Belgium has failed to fulfil its obligations under Article 4 of Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles, as amended by Council Directive 2006/103/EC of 20 November 2006, and under Article 34 TFEU;
2. Orders the Kingdom of Belgium to pay the costs.

⁽¹⁾ OJ C 160, 28.5.2011.

Judgment of the Court (Fourth Chamber) of 6 September 2012 (reference for a preliminary ruling from the Oberster Gerichtshof — Austria) — Daniela Mühlleitner v Ahmad Yusufi, Wadat Yusufi

(Case C-190/11) ⁽¹⁾

(Jurisdiction in civil and commercial matters — Jurisdiction over consumer contracts — Regulation (EC) No 44/2001 — Article 15(1)(c) — Possible limitation of that jurisdiction to distance contracts)

(2012/C 355/08)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Daniela Mühlleitner

Defendants: Ahmad Yusufi, Wadat Yusufi

Re:

Reference for a preliminary ruling — Oberster Gerichtshof — Interpretation of Article 15(1)(c) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Jurisdiction over consumer contracts — Possible limitation of that jurisdiction to distance contracts

Operative part of the judgment

Article 15(1)(c) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as not requiring the contract between the consumer and the trader to be concluded at a distance.

⁽¹⁾ OJ C 204, 9.7.2011.

Judgment of the Court (Second Chamber) of 6 September 2012 (reference for a preliminary ruling from the Baranya Megyei Bíróság — Hungary) — Mecsek-Gabona Kft v Nemzeti Adó- és Vámhivatal Dél-dunántúli Regionális Adó Főigazgatósága

(Case C-273/11) ⁽¹⁾

(VAT — Directive 2006/112/EC — Article 138(1) — Conditions of exemption for intra-Community transactions characterised by the obligation on the purchaser to ensure, as from the time of their loading, the transport of the goods of which it disposes as owner — Obligation on the vendor to prove that the goods have physically left the territory of the Member State of supply — Removal from the register, with retroactive effect, of the customer's VAT identification number)

(2012/C 355/09)

Language of the case: Hungarian

Referring court

Baranya Megyei Bíróság

Parties to the main proceedings

Applicant: Mecsek-Gabona Kft

Defendant: Nemzeti Adó- és Vámhivatal Dél-dunántúli Regionális Adó Főigazgatósága

Re:

Reference for a preliminary ruling — Baranya Megyei Bíróság — Interpretation of Article 138(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Conditions of exemption for intra-Community transactions characterised by the obligation on the purchaser to ensure, as from the time of their loading, the transport of the goods of which it may dispose as owner — Obligation on the taxable person to prove that the goods have been transported to another Member State and that, as a result of that transport, they have physically left the territory of the Member State of supply