

Request for a preliminary ruling from the Tallinna Ringkonnakohus (Estonia) lodged on 1 September 2017 — c.v. SNB-REACT u. a. v Deepak Mehta

(Case C-521/17)

(2017/C 382/41)

Language of the case: Estonian

Referring court

Tallinna Ringkonnakohus

Parties to the main proceedings

Applicant: c.v. SNB-REACT u. a.

Defendant: Deepak Mehta

Questions referred

1. Is Article 4(c) of Directive 2004/48/EC ⁽¹⁾ of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights to be interpreted as meaning that Member States are required to recognise collecting societies of trade mark proprietors as persons with standing to pursue legal remedies in their own name to defend the rights of trade mark proprietors and to bring actions before the courts in their own name to enforce the rights of trade mark proprietors?
2. Are Articles 12, 13 and 14 of Directive 2000/31/EC ⁽²⁾ of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') to be interpreted as meaning that even a service provider whose service consists in registering IP addresses, thus enabling them to be anonymously linked to domains, and in renting out those IP addresses, is to be regarded as a service provider within the meaning of those provisions to whom the exemptions from liability provided for there apply?

⁽¹⁾ OJ 2004 L 157, p. 45.

⁽²⁾ OJ 2000 L 178, p. 1.

Action brought on 25 September 2017 — European Commission v Kingdom of Belgium

(Case C-564/17)

(2017/C 382/42)

Language of the case: French

Parties

Applicant: European Commission (represented by: C. Cattabriga, G. von Rintelen and R. Troosters, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

- find that, by failing to adopt, no later than 25 December 2013, all the laws, regulations and administrative provisions necessary to comply with Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, ⁽¹⁾ and in any event by failing to communicate those provisions to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under Article 16(1) of the directive;

- order the Kingdom of Belgium to pay, pursuant to Article 260(3) TFEU, a penalty payment of EUR 70 828,80 per day, from the date on which judgment is delivered in the present case, for failure to comply with the obligation to give notification of the measures transposing Directive 2011/98/EU;
- order Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The Member States were required, under the first subparagraph of Article 16(1) of Directive 2011/98/EU, to adopt the national measures required to transpose the obligations under the directive no later than 25 December 2013. As Belgium has failed to confirm that it has adopted all the measures necessary to fully transpose the directive, the Commission has decided to bring the present action before the Court of Justice.

In its application, the Commission proposes that the Kingdom of Belgium be ordered to pay a penalty payment of EUR 70 828,80 per day. The amount of the penalty payment has been calculated taking into account the seriousness and duration of the infringement and as well as the deterrent effect in the light of the Member State's ability to pay.

⁽¹⁾ OJ 2011 L 343, p. 1.

Appeal brought on 28 September 2017 by the European Commission against the judgment of the General Court (Second Chamber) of 19 July 2017 in Case T-752/14, Combaro SA v European Commission

(Case C-574/17 P)

(2017/C 382/43)

Language of the case: German

Parties

Appellant: European Commission (represented by: A. Caeiros and B.-R. Killmann, acting as Agents)

Other party to the proceedings: Combaro SA

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court (Second Chamber) of 19 July 2017 in Case T-752/14, Combaro SA v European Commission;
- dismiss Combaro SA's action as unfounded;
- order Combaro SA to pay the costs of the proceedings at first instance and on appeal.

Grounds of appeal and main arguments

In support of its appeal, the appellant relies on the following grounds:

1. Failure of the General Court to characterise the facts correctly in law in regard to the existence of a special situation as contemplated in Article 239 of the Customs Code. ⁽¹⁾

The Commission submits that the General Court alleged erroneous action on its part in so far as, on the one hand, it attributed powers to the Commission which the latter does not at all have or, on the other hand, required it to exercise powers which could no longer contribute to a clarification of the facts. There was, however, no erroneous action on the part of the Commission, with the result that there was no special situation as contemplated in Article 239 of the Customs Code.

2. Distortion by the General Court of the evidence as to there being a special situation under Article 239 of the Customs Code.