

2. *Orders Activision Blizzard Germany GmbH to pay the costs.*

(<sup>1</sup>) OJ C 220, 12.9.2009.

**Judgment of the Court (First Chamber) of 17 February 2011** (reference for a preliminary ruling from the *Sąd Rejonowy Warszawa — Republic of Poland*) — *Artur Weryński v Mediatel 4B Spółka z o.o.*

(Case C-283/09) (<sup>1</sup>)

*(Judicial cooperation in civil matters — Taking of evidence — Examination of a witness by the requested court upon application by the requesting court — Payment of witness expenses)*

(2011/C 103/06)

Language of the case: Polish

#### Referring court

*Sąd Rejonowy Warszawa*

#### Parties to the main proceedings

Applicant: *Artur Weryński*

Defendant: *Mediatel 4B Spółka z o.o.*

#### Re:

Reference for a preliminary ruling — Interpretation of Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ 2001 L 174, p. 1) — Hearing of a witness by a court of a Member State at the request of a court of another Member State — Witness expenses — Possibility for the requested court to demand from the requesting court payment of an advance for the witness heard

#### Operative part of the judgment

Articles 14 and 18 of Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters must be interpreted as meaning that a requesting court is not obliged to pay an advance to the requested court for the expenses of a witness or to reimburse the expenses paid to the witness examined.

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

**Judgment of the Court (Second Chamber) of 10 February 2011** (references for a preliminary ruling from the *Raad van State (Netherlands)*) — *Vicoplus SC PUH (C-307/09)*, *BAM Vermeer Contracting sp. zoo (C-308/09)*, *Olbek Industrial Services sp. zoo (C-309/09) v Minister van Sociale Zaken en Werkgelegenheid*

(Joined Cases C-307/09 to C-309/09) (<sup>1</sup>)

*(Freedom to provide services — Posting of workers — 2003 Act of Accession — Transitional measures — Access of Polish nationals to the labour market of States which were already Member States of the European Union at the time of the accession of the Republic of Poland — Requirement of a work permit for the making available of labour — Directive 96/71/EC — Article 1(3))*

(2011/C 103/07)

Language of the case: Dutch

#### Referring court

*Raad van State*

#### Parties to the main proceedings

Applicants: *Vicoplus SC PUH (C-307/09)*, *BAM Vermeer Contracting sp. zoo (C-308/09)*, *Olbek Industrial Services sp. zoo (C-309/09)*

Defendant: *Minister van Sociale Zaken en Werkgelegenheid*

#### Re:

Reference for a preliminary ruling — *Raad van State (Netherlands)* — Interpretation of Articles 49 EC and 50 EC and of Article 1(3)(c) of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ 1997 L 18, p. 1) — National legislation under which a work permit is required for the making available of workers

#### Operative part of the judgment

1. Articles 56 TFEU and 57 TFEU do not preclude a Member State from making, during the transitional period provided for in Chapter 2, paragraph 2, of Annex XII to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, the hiring-out, within the meaning of Article 1(3)(c) of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, on its territory, of workers who are Polish nationals subject to the obtaining of a work permit.

2. The hiring-out of workers, within the meaning of Article 1(3)(c) of Directive 96/71, is a service provided for remuneration in respect of which the worker who has been hired out remains in the employ of the undertaking providing the service, no contract of employment being entered into with the user undertaking. It is characterised by the fact that the movement of the worker to the host Member State constitutes the very purpose of the provision of services effected by the undertaking providing the services and that that worker carries out his tasks under the control and direction of the user undertaking.

(<sup>1</sup>) OJ C 267, 7.11.2009.

**Judgment of the Court (Fourth Chamber) of 3 February 2011 (reference for a preliminary ruling from the Fővárosi Ítéltábla (Hungary)) — Donat Cornelius Ebert v Budapesti Ügyvédi Kamara**

(Case C-359/09) (<sup>1</sup>)

*(Lawyers — Directive 89/48/EEC — Recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration — Directive 98/5/EC — Practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained — Use of the professional title of the host Member State — Conditions — Registration with the Bar Association of the host Member State)*

(2011/C 103/08)

Language of the case: Hungarian

**Referring court**

Fővárosi Ítéltábla

**Parties to the main proceedings**

*Applicant:* Donat Cornelius Ebert

*Defendant:* Budapesti Ügyvédi Kamara

**Re:**

Reference for a preliminary ruling — Fővárosi Ítéltábla — Interpretation of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16) and Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ 1998 L 77, p. 36) — Legislation of a Member State reserving the possibility of practising law, using the professional lawyer's title of that State, to lawyers who are registered with the Bar Association in that Member State

**Operative part of the judgment**

1. Neither Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas

awarded on completion of professional education and training of at least three years' duration, as amended by Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001, nor Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained preclude national rules laying down the requirement to be a member of a body such as a Bar Association in order to practise the profession of lawyer under the title of lawyer of the host Member State.

2. Directives 89/48 and 98/5 complement one another by establishing two means by which lawyers from Member States may gain admission to the profession of lawyer in a host Member State under the professional title of that Member State.

(<sup>1</sup>) OJ C 312, 19.12.2009.

**Judgment of the Court (Third Chamber) of 17 February 2011 (reference for a preliminary ruling from the Commissione tributaria provinciale di Alessandria — Italy) — Bolton Alimentari SpA v Agenzia Dogane Ufficio delle Dogane di Alessandria**

(Case C-494/09) (<sup>1</sup>)

*(Preliminary ruling — Admissibility — Customs duty — Tariff quota — Customs Code — Article 239 — Regulation (EEC) No 2454/93 — Articles 308a, 308b and 905 — Regulation (EC) No 975/2003 — Tuna — Exhaustion of quota — Date of opening — Sunday)*

(2011/C 103/09)

Language of the case: Italian

**Referring court**

Commissione tributaria provinciale di Alessandria

**Parties to the main proceedings**

*Applicant:* Bolton Alimentari SpA

*Defendant:* Agenzia Dogane Ufficio delle Dogane di Alessandria

**Re:**

Reference for a preliminary ruling — Commissione Tributaria Provinciale di Alessandria — Interpretation of Article 239 of Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Interpretation of Articles 308a to 308c of Regulation (EC) No 2454/93 laying