

Parties to the main proceedings

Applicant: Robert Fuchs AG

Defendant: Hauptzollamt Lörrach

Operative part of the judgment

Article 555(1)(a) 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, as amended by Commission Regulation (EC) No 2286/2003 of 18 December 2003 must be interpreted as meaning that remunerated flights for helicopter flight instruction, with a trainee pilot and a flight instructor on board, are not to be regarded as constituting commercial use of a means of transport for the purposes of that provision

⁽¹⁾ OJ C 155, 11.5.2015.

Judgment of the Court (Second Chamber) of 28 July 2016 (request for a preliminary ruling from the Fővárosi Ítéltábla — Hungary) — Gazdasági Versenyhivatal v Siemens Aktiengesellschaft Österreich

(Case C-102/15) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Scope ratione materiae — Recovery of sum not due — Unjust enrichment — Debt arising from the unjustified repayment of a fine for infringement of competition law)

(2016/C 350/07)

Language of the case: Hungarian

Referring court

Fővárosi Ítéltábla

Parties to the main proceedings

Applicant: Gazdasági Versenyhivatal

Defendant: Siemens Aktiengesellschaft Österreich

Operative part of the judgment

An action for recovery of sums not due on the ground of unjust enrichment, such as that at issue in the main proceedings, which has its origin in the repayment of a fine imposed in competition law proceedings does not fall within 'civil and commercial matters' within the meaning of Article 1 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.

⁽¹⁾ OJ C 171, 26.5.2015.
