

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the General Court of the European Union of 27 April 2010 in *Joined Cases T-303/06 and T-337/06 UniCredito Italiano v OHIM — Union Investment Privatfonds (UNIWEB)*.
2. Refers the case back to the General Court of the European Union.
3. Orders that the costs be reserved.

(<sup>1</sup>) OJ C 146, 11.9.2010.

**Order of the Court of 11 May 2011 (reference for a preliminary ruling from the Varhoven kasatsionen sad (Bulgaria)) — Tony Georgiev Semerdzhiev v ET Del-Pi-Krasimira Mancheva**

(Case C-32/10) (<sup>1</sup>)

*(Article 92(1) of the Rules of Procedure — Directive 90/314/EEC — Package travel, package holidays and package tours — Facts preceding the accession of the Republic of Bulgaria to the European Union — Manifest lack of jurisdiction of the Court to answer the questions referred)*

(2011/C 232/16)

Language of the case: Bulgarian

**Referring court**

Varhoven kasatsionen sad (Bulgaria)

**Parties to the main proceedings**

Applicant: Tony Georgiev Semerdzhiev

Defendant: ET Del-Pi-Krasimira Mancheva

Intervening party: ZAD Bulstrad VIG

**Re:**

Reference for a preliminary ruling — Varhoven kasatsionen sad — Interpretation of Articles 2(1)(c), 4(1)(b)(iv) and 5(2)(3) and (4) of Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ 1990 L 158, p. 59) — Concept of ‘other tourist services’ not ancillary to transport or accommodation to be borne by the organiser — Obligation for the organiser to conclude an individual insurance contract for each consumer and to provide the consumer with the original before travel — Obligation for the organiser to conclude an individual insurance contract covering costs of repatriation in case of accident — Concept of ‘damage’ resulting for the consumer from the failure to perform or the improper performance of the contract — Non-material damages included

**Operative part of the order**

The Court of Justice of the European Union clearly has no jurisdiction to rule on the questions referred by the Varhoven kasatsionen sad (Bulgaria).

(<sup>1</sup>) OJ C 100, 17.4.2010.

**Order of the Court (Fifth Chamber) of 23 May 2011 (reference for a preliminary ruling from the Tribunal de première instance de Namur (Belgium)) — André Rossius (C-267/10), Marc Collard (C-268/10) v Etat Belge — SPF Finances**

(Joined Cases C-267/10 and C-268/10) (<sup>1</sup>)

*(Article 6(1) TEU — Article 35 of the Charter of Fundamental Rights of the European Union — Possession and sale of manufactured smoking tobacco — National legislation authorising the levying of excise duty on tobacco products — Court manifestly incompetent)*

(2011/C 232/17)

Language of the case: French

**Referring court**

Tribunal de première instance de Namur

**Parties to the main proceedings**

Applicants: André Rossius (C-267/10), Marc Collard (C-268/10)

Defendant: Etat Belge — SPF Finances

In the presence of: Etat Belge — Service public federal Défense

**Re:**

Reference for a preliminary ruling — Tribunal de première instance de Namur — Interpretation of the first paragraph of Article 6(1) TEU and of Article 35 of the Charter of Fundamental Rights of the European Union — Whether national legislation permitting the production, import, promotion and sale of manufactured smoking tobacco, recognised to be seriously harmful, is compatible with the object of protecting human health — Whether the provisions of national law authorising the levying of excise duty on tobacco products are valid in the light of the [EU] rules cited

**Operative part of the order**

The Court of Justice of the European Union is manifestly incompetent to reply to the questions asked by the Tribunal de première instance de Namur (Belgium) by decisions of 24 March 2010.

(<sup>1</sup>) OJ C 221, 14.08.2010.