

- (ii) the General Court failed to take due account of the confidentiality provisions in sector-specific legislation on plant protection products, namely Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽³⁾ and Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC⁽⁴⁾; and
- (iii) the General Court erred in disregarding the need to construe Article 6(1) of the Aarhus Regulation in so far as possible in conformity with the Charter of Fundamental Rights and with the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS').

⁽¹⁾ OJ L 264, 25.9.2006, p. 13.

⁽²⁾ OJ L 145, 31.5.2001, p. 43.

⁽³⁾ OJ L 230, 19.08.1991, p. 1.

⁽⁴⁾ OJ L 309, 24.11.2009, p. 1.

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 23 December 2013
— **Diageo Brands BV v Simiramida-04 EOOD**

(Case C-681/13)

(2014/C 71/18)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: Diageo Brands BV

Respondent: Simiramida-04 EOOD

Questions referred

1. Must Article 34(1) of Regulation (EC) No 44/2001⁽¹⁾ be interpreted as meaning that that ground for refusal is also applicable in a case where the decision of the court of the Member State of origin is manifestly contrary to European Union law, and that fact has been recognised by that court?
2. (a) Must Article 34(1) of Regulation (EC) No 44/2001 be interpreted as meaning that successful reliance on that ground for refusal is precluded by the fact that the party which has recourse to that ground for refusal failed to make use of the legal remedies available in the Member State of origin of the decision?

(b) If the answer to Question 2(a) is in the affirmative, would the position be different if the utilisation of the

legal remedies in the Member State of origin of the decision was pointless because it has to be assumed that it would not have led to any different decision?

3. Must Article 14 of Directive 2004/48/EC⁽²⁾ be interpreted as meaning that that provision is also applicable to the costs incurred by the parties in the context of proceedings for damages brought in a Member State if the claim and the defence relate to the alleged liability of the defendant by reason of the seizures which it made and the notices which it served with a view to enforcing its trade mark rights in another Member State, and in that connection a question arises concerning the recognition in the former Member State of a decision of the court in the latter Member State?

⁽¹⁾ 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).

⁽²⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ 2004 L 157, p. 45).

Request for a preliminary ruling from the Högsta förvaltningsdomstolen (Sweden) lodged on 27 December 2013 — **X AB v Skatteverket**

(Case C-686/13)

(2014/C 71/19)

Language of the case: Swedish

Referring court

Högsta förvaltningsdomstolen

Parties to the main proceedings

Applicant: X AB

Defendant: Skatteverket

Question referred

Do Article 49 TFEU and Article 63 TFEU preclude national legislation according to which the Member State of domicile does not grant a deduction for a currency loss which is an integral part of a capital gain or capital loss on holdings for business purposes in a company which is domiciled in another Member State, where the Member State of domicile applies a system under which capital gains and capital losses on such assets are wholly exempt from taxation?