

**Parties to the main proceedings**

*Applicant:* HB

*Defendant:* Federal Republic of Germany

**Questions referred**

1. Does it constitute direct discrimination on grounds of age within the meaning of Article 2(2)(a) of Directive 2000/78/EC, <sup>(1)</sup> when, under Paragraph 48(2) of the German Law on Judges (Deutsches Richtergesetz, 'the DRiG'), federal judges cannot postpone the start of their retirement, even though federal civil servants and, for example, judges in the service of Land Baden-Württemberg are allowed to do so?
2. In the context of the first subparagraph of Article 6(1) of Directive 2000/78/EC, do elements derived from the general context of the measure at issue also include aspects that are not mentioned at all in the legislative material or in the course of the entire parliamentary legislative process, but are presented only during the judicial proceedings?
3. How are the terms 'objectively' and 'reasonably' in the first subparagraph of Article 6(1) of Directive 2000/78/EC to be interpreted and what is their point of reference? Does the first subparagraph of Article 6(1) of the Directive require a twofold examination of reasonableness?
4. Is the first subparagraph of Article 6(1) of Directive 2000/78/EC to be interpreted as precluding, from the point of view of coherence, national legislation which precludes federal judges from postponing their retirement whereas federal public servants and, for example, judges in the service of Land Baden-Württemberg are allowed to do so?

<sup>(1)</sup> The present case is designated by a fictitious name which does not correspond to the actual name of a party to the proceedings.

<sup>(2)</sup> Council Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

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**Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 7 June 2023 —  
Vorstand für den Geschäftsbereich II der Agrarmarkt Austria**

**(Case C-350/23, Agrarmarkt Austria)**

(2023/C 338/12)

*Language of the case: German*

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Appellant on a point of law:* Vorstand für den Geschäftsbereich II der Agrarmarkt Austria

*Interested party:* T F

**Questions referred**

1. In the case of a livestock aid application within the meaning of point 15 of Article 2(2) of Regulation (EU) No 640/2014, <sup>(1)</sup> submitted for the year 2020 for the grant of coupled support, for which, for the purposes of Article 21(4) of Regulation (EU) No 809/2014, <sup>(2)</sup> use is made of the information in the computerised database for bovine animals, is a notification that is made only after the expiry of the period of 15 days after the animals (bovine animals) have been moved to a mountain pasture pursuant to Article 2(2) and (4) of Commission Decision 2001/672/EC <sup>(3)</sup> of 20 August 2001, in conjunction with Article 7(2) of Regulation (EC) No 1760/2000, <sup>(4)</sup> an incorrect entry in the computerised database for bovine animals that, pursuant to Article 30(4)(c) of Regulation (EU) No 640/2014, is not of relevance for the verification of the compliance with the eligibility conditions other than the condition referred to in Article 53(4) of Regulation (EU) No 639/2014 <sup>(5)</sup> under the aid scheme or support measure concerned, with the result that the animals concerned are only to be considered not to be determined if such an incorrect entry is found during at least two checks within a period of 24 months?

2. If the first question is answered in the negative:

For the purposes of Article 15(1) and Article 34 of Regulation (EU) No 640/2014, do the administrative penalties provided for in Chapter IV of Regulation (EU) No 640/2014 apply to the application for coupled support referred to in the first question where the farmer makes a notification in writing to the competent authority in accordance with Article 2(2) and (4) of Commission Decision 2001/672/EC of 20 August 2001, in conjunction with Article 7(1) and (2) of Regulation (EC) No 1760/2000, concerning the movement of the animals to a mountain pasture, where it is evident from the notification that it is late with regard to the 15-day period laid down in those provisions, in so far as the competent authority has not previously informed the applicant of an intention to carry out an on-the-spot check and has also not already informed that applicant of any non-compliances in the aid application?

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- (<sup>1</sup>) Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance (OJ 2014 L 181, p. 48).
- (<sup>2</sup>) Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ 2014 L 227, p. 69).
- (<sup>3</sup>) 2001/672/EC: Commission Decision of 20 August 2001 laying down special rules applicable to movements of bovine animals when put out to summer grazing in mountain areas (OJ 2001 L 235, p. 23).
- (<sup>4</sup>) Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ 2014 L 181, p. 1).
- (<sup>5</sup>) Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ 2014 L 181, p. 1).

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**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 26 June 2023 —  
Novel Nutriology GmbH v Verband Sozialer Wettbewerb e.V.**

**(Case C-386/23, Novel Nutriology)**

(2023/C 338/13)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Defendant and appellant in the appeal on a point of law: Novel Nutriology GmbH*

*Applicant and respondent in the appeal on a point of law: Verband Sozialer Wettbewerb e.V.*

**Questions referred**

The following question is referred to the Court of Justice of the European Union for a preliminary ruling on the interpretation of Article 10(1) and (3) and Article 28(5) and (6) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods, (<sup>1</sup>) as last amended by Commission Regulation (EU) No 1047/2012 (<sup>2</sup>) of 8 November 2012, and recitals 10 and 11 of Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health, (<sup>3</sup>) and recitals 4 and 5 of Commission Regulation (EU) No 536/2013 (<sup>4</sup>) of 11 June 2013 amending Regulation (EU) No 432/2012: