Parties to the main proceedings

Applicant: Grünwald Logistik Service GmbH (GLS)

Defendant: Hauptzollamt Hamburg-Stadt

Re:

Reference for a preliminary ruling — Finanzgericht Hamburg — Validity, in the light of Article 2(7)(a) of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1), of Commission Regulation (EC) No 642/2008 of 4 July 2008 imposing a provisional anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China (OJ 2008 L 178, p. 19) and of Council Regulation (EC) No 1355/2008 of 18 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China (OJ 2008 L 350, p. 35) — Determination of normal value for a country which does not have a market economy — Determination of normal value on the basis of the price actually paid or payable for like products in the European Union — Obligation imposed on the Commission by Article 2(7)(a) of Regulation (EC) No 384/96 to take the measures necessary to determine normal value on the basis of the price or constructed value in a market-economy third country.

Operative part of the judgment

Council Regulation (EC) No 1355/2008 of 18 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China is invalid.

(1) OJ C 260, 25.9.2010.

Judgment of the Court (Fourth Chamber) of 15 March 2012 — European Commission v Republic of Cyprus

(Case C-340/10) (1)

(Failure of a Member State to fulfil obligations — Directive 92/43/EEC — Articles 4(1) and 12(1) — Failure to include Paralimni Lake as a site of Community importance within the time-limit laid down — System of protection for the species Natrix natrix cypriaca (Cypriot grass snake))

(2012/C 133/09)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: G. Zavvos and D. Recchia, acting as Agents)

Defendant: Republic of Cyprus (represented by: K. Lykourgos and M. Chatzigeorgiou, acting as Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 4(1) and 12(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7) — Failure to include Paralimni Lake in the national list of sites eligible for identification as sites of Community importance — Failure to establish a system of protection for the species *Natrix natrix cypriaca* (Cypriot grass snake)

Operative part of the judgment

The Court:

1. *Declares that the Republic of Cyprus,*

   — *by not having included the site of Paralimni Lake in the national list of proposed sites of Community importance,*

   — *by tolerating activities which seriously compromise the ecological characteristics of Paralimni Lake and by not having taken the protective measures necessary to maintain the population of Natrix natrix cypriaca (Cypriot grass snake), the species which constitutes the ecological interest of the lake and Xyliatos Dam, and*

   — *by not having taken the requisite measures to establish and apply a system of strict protection for that species,*

   has failed to fulfil its obligations under Article 4(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2006/105/EC of 20 November 2006, under Directive 92/43, as amended, and under Article 12(1) of Directive 92/43, as amended, respectively;

2. *Orders the Republic of Cyprus to pay the costs.*

(1) OJ C 246, 11.9.2010.

Judgment of the Court (Grand Chamber) of 13 March 2012 — Pye Phyo Tay Za v Council of the European Union, United Kingdom of Great Britain and Northern Ireland, European Commission

(Case C-376/10 P) (1)

(Appeal — Common foreign and security policy — Restrictive measures against the Republic of the Union of Myanmar — Freezing of funds applicable to persons, entities and bodies — Legal basis)

(2012/C 133/10)

Language of the case: English

Parties

Appellant: Pye Phyo Tay Za (represented by: D. Anderson QC, S. Kentridge QC, M. Lester, Barrister, and G. Martin, Solicitor)