

**Questions referred**

1. In order for the court to direct the defendant to issue a Schengen visa to the applicant, must the court be satisfied that, pursuant to Article 21(1) of the Visa Code,<sup>(1)</sup> the applicant intends to leave the territory of the Member States before the expiry of the visa applied for, or is it sufficient if the court, after examining Article 32(1)(b) of the Visa Code, has no doubts based on special circumstances as to the applicant's stated intention to leave the territory of the Member States before the expiry of the visa applied for?
2. Does the Visa Code establish a non-discretionary right to the issue of a Schengen visa if the entry conditions, in particular those of Article 21(1) of the Visa Code, are satisfied and there are no grounds for refusing the visa pursuant to Article 32(1) of the Visa Code?
3. Does the Visa Code preclude a national provision whereby a foreigner may, in accordance with Regulation (EC) No 810/2009, be issued with a visa for transit through or an intended stay in the territory of the Schengen States of no more than three months within a six-month period from the date of first entry (Schengen visa)?

<sup>(1)</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ 2009, L 243, p. 1.

**Reference for a preliminary ruling from the Hof van Cassatie van België (Belgium) lodged on 17 February 2012 — Rose Marie Bark v Galileo Joint Undertaking, in liquidation**

(Case C-89/12)

(2012/C 133/32)

*Language of the case: Dutch*

**Referring court**

Hof van Cassatie (Belgium)

**Parties to the main proceedings**

*Appellant in cassation:* Rose Marie Bark

*Respondent in cassation:* Galileo Joint Undertaking, in liquidation

**Question referred**

Should Article 11(2) of the Statutes of the Galileo Joint Undertaking, annexed to Council Regulation (EC) No 876/2002<sup>(1)</sup> of 21 May 2002 setting up the Galileo Joint Undertaking, in conjunction with Article 2 of that regulation be interpreted as meaning that the conditions of employment of other servants of

the European Union, and more specifically the pay conditions of those conditions of employment, are applicable to staff of the Galileo Joint Undertaking who are employed on fixed-term contracts?

<sup>(1)</sup> OJ 2002 L 138, p. 1.

**Reference for a preliminary ruling from High Court of Ireland (Ireland) made on 17 February 2012 — Health Service Executive v SC, AC**

(Case C-92/12)

(2012/C 133/33)

*Language of the case: English*

**Referring court**

High Court of Ireland

**Parties to the main proceedings**

*Applicant:* Health Service Executive

*Defendants:* SC, AC

**Questions referred**

1. Does a judgment which provides for the detention of a child for a specified time in another Member State in an institution providing therapeutic and educational care come within the material scope of Council Regulation No 2201/2003<sup>(1)</sup>?
2. If the answer to Question one is yes, what obligations, if any, arise out of Article 56 of Council Regulation No 2201/2003 as to the nature of the consultation and consent mechanism to ensure the effective protection of a child who is to be so detained.
3. Where a Court of a Member State has contemplated the placement of a child for a specified time in a residential care institution in another Member State and has obtained the consent of that State in accordance with Article 56 of Council Regulation 2201/2003, must the judgment of the court directing the placement of a child for a specified time in a residential care institution situated in another Member State be recognised and/or declared enforceable in that other Member State as a precondition to the placement being effected?
4. Does a judgment of the court directing the placement of the child for a specified time in a residential care institution situated in another Member State and which has been consented to by that Member State in accordance with Article 56 of Council Regulation 2201/2003 have any legal effect in that other Member State prior to the grant of a declaration of recognition and/or enforceability upon the completion of the proceedings seeking such declaration of recognition and/or enforceability?

5. Where a judgment of the court directing the placement of the child for a specified time in a residential care institution situated in another Member State under Article 56 of Council Regulation 2201/2003 is renewed for a further specified time must the Article 56 consent of the other Member State be obtained upon the occasion of each renewal?
6. Where a judgment of the court directing the placement of the child for a specified time in a residential care institution situated in another Member state under Article 56 of Council Regulation 2201/2003 is renewed for a further specified time must the judgment be recognised and/or enforced in that other Member State upon the occasion of each renewal?

<sup>(1)</sup> OJ L 338, p. 1

**Reference for a preliminary ruling from the Administrativen sad Sofia-grad (Bulgaria) lodged on 21 February 2012 — ET Agrokonsulting-04-Velko Stoyanov v Izpalnitelen direktor na Darzhaven fond ‘Zemedelie’ — Razplashtatelna agentsia**

(Case C-93/12)

(2012/C 133/34)

*Language of the case: Bulgarian*

#### Referring court

Administrativen sad Sofia-grad

#### Parties to the main proceedings

*Applicant:* ET Agrokonsulting-04-Velko Stoyanov

*Defendant:* Izpalnitelen direktor na Darzhaven fond ‘Zemedelie’ — Razplashtatelna agentsia

#### Questions referred

- Are the principle of effectiveness set out in the case-law [of the Court of Justice] of the European Union and the principle of effective judicial protection enshrined in Article 47 of the Charter of Fundamental Rights of the European Union to be interpreted as not permitting a national procedural rule such as Article 133(1) of the Code of administrative procedure which makes jurisdiction for administrative disputes concerning the implementation of the European Union’s common agricultural policy dependent solely on the seat of the administrative authority which adopted the contested administrative act, considering that that rule does not take into consideration the place in which the properties are located and the place of residence of the person seeking justice?
- Is the principle of equivalence set out in the case-law of the Court of Justice of the European Union to be interpreted as

not permitting a national procedural rule such as Article 133(1) of the Code of administrative procedure which makes jurisdiction for administrative disputes concerning the implementation of the European Union’s common agricultural policy dependent solely on the seat of the administrative authority which adopted the contested administrative act, if account is taken of paragraph 19 of the transitional and final provisions of the Law amending and supplementing the Code of Administrative Procedure (which concerns jurisdiction for domestic administrative disputes concerning agricultural land)?

**Reference for a preliminary ruling from the Verwaltungsgericht Stuttgart (Germany) lodged on 27 February 2012 — Herbert Schaible v Land Baden-Württemberg**

(Case C-101/12)

(2012/C 133/35)

*Language of the case: German*

#### Referring court

Verwaltungsgericht Stuttgart

#### Parties to the main proceedings

*Applicant:* Herbert Schaible

*Defendant:* Land Baden-Württemberg

#### Questions referred

The questions whether

- the claimant’s obligation to identify individual animals under Articles 3(1) and 4(2) of Regulation (EC) No 21/2004, <sup>(1)</sup>
- the claimant’s obligation of electronic identification of individual animals under the first subparagraph of Article 9(3) of Regulation (EC) No 21/2004 as amended by Regulation (EC) No 1560/2007, <sup>(2)</sup> and
- the claimant’s obligation to keep holding register C in accordance with Article 5(1) in conjunction with point B(2) of the Annex to Regulation (EC) No 21/2004

are compatible with higher-ranking European Union law and therefore valid are referred to the Court of Justice of the European Union.

<sup>(1)</sup> Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ 2004 L 5, p. 8).

<sup>(2)</sup> Council Regulation (EC) No 1560/2007 of 17 December 2007 amending Regulation (EC) No 21/2004 as regards the date of introduction of electronic identification for ovine and caprine animals (OJ 2007 L 340, p. 25).