

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders the Italian Republic to pay the costs.

---

<sup>(1)</sup> OJ C 315, 15.9.2014.

---

**Judgment of the Court (Fourth Chamber) of 3 December 2015 (request for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Pfothenhilfe-Ungarn e.V. v Ministerium für Energiewende, Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein**

(Case C-301/14) <sup>(1)</sup>

(Reference for a preliminary ruling — Regulation (EC) No 1/2005 — Article 1(5) — Protection of animals during transport — Transport of stray dogs from one Member State to another by an animal protection association — Concept of ‘economic activity’ — Directive 90/425/EEC — Article 12 — Concept of ‘dealers engaging in intra-Community trade’)

(2016/C 038/06)

Language of the case: German

**Referring court**

Bundesverwaltungsgericht

**Parties to the main proceedings**

Applicant: Pfothenhilfe-Ungarn e.V.

Defendant: Ministerium für Energiewende, Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein

Intervener: Vertreter des Bundesinteresses beim Bundesverwaltungsgericht

**Operative part of the judgment**

1. The concept of ‘economic activity’ within the meaning of Article 1(5) of Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, must be interpreted as meaning that it covers an activity, such as that at issue in the main proceedings, relating to the transport of stray dogs from one Member State to another by a charitable association in order to hand over those dogs to persons who have undertaken to adopt them after payment by those persons of a sum covering, in principle, the costs incurred for that purpose by that association.
2. The concept of ‘dealers engaging in intra-Community trade’ within the meaning of Article 12 of Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zoo technical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market, as amended by Council Directive 92/60/EEC of 30 June 1992, must be interpreted as meaning that it covers inter alia, a charitable association which transports stray dogs from one Member State to another in order to give those dogs to persons who have agreed to adopt them after they have paid a sum covering in principle the costs incurred for that purpose by that association.

---

<sup>(1)</sup> OJ C 303, 8.9.2014.