

**Form of order sought**

The appellant submits that the Court of Justice should:

- Set aside in its entirety the order of the General Court under appeal;
- Give final judgment in the matter, upholding in its entirety the form of order sought at first instance by the appellant and, therefore, set aside and cancel the effect of Commission Implementing Regulation (EU) 2016/1141<sup>(1)</sup> or, alternatively, set aside and cancel the effect of the inclusion of the species *Procambarus clarkii* on the Union list approved by that regulation;
- Order the Commission to pay the costs of both actions.

**Pleas in law and main arguments**

The order under appeal does not go into the substance of the case raised in the appeal, but finds it inadmissible on the ground that the applicant lacks standing, resulting in an infringement of the second test for standing laid down in the fourth paragraph of Article 263 TFEU, given that the contested regulation directly affects the undertakings represented by the applicant, without the need for implementing measures.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council (OJ 2016 L 189, p. 4).

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**Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 29 March 2018 — Krohn & Schröder GmbH v Hauptzollamt Hamburg-Hafen**

(Case C-226/18)

(2018/C 268/27)

*Language of the case: German*

**Referring court**

Finanzgericht Hamburg

**Parties to the main proceedings**

*Applicant:* Krohn & Schröder GmbH

*Defendant:* Hauptzollamt Hamburg-Hafen

**Questions referred**

1. Does Article 212a of the Customs Code<sup>(1)</sup> encompass the exemption from an anti-dumping and countervailing duty pursuant to Article 3(1) of Regulation 1238/2013<sup>(2)</sup> or Article 2(1) of Regulation 1239/2013?<sup>(3)</sup>
2. If the answer to the first question is in the affirmative: In the application of Article 212a of the Customs Code to the case of the incurrence of a customs debt pursuant to Article 204(1) of the Customs Code for exceeding the time limit under Article 49(1) of the Customs Code, are the conditions laid down in Article 3(1)(a) of Regulation 1238/2013 and Article 2(1)(a) of Regulation 1239/2013 fulfilled when the company, which is affiliated with the company listed in the annex to Implementing Regulation 2013/707/EU, which manufactured, consigned and invoiced the goods concerned, but did not act as the importer of the goods concerned and also did not ensure the release of the goods into free circulation, but had the intention to do so and was the company to which the goods were actually delivered?

3. If the answer to the second question is in the affirmative: When Article 212a of the Customs Code is applied to a case where a customs debt arises under Article 204(1) of the Customs Code, by failure to comply with the time limit pursuant to Article 49(1) of the Customs Code, may an undertaking invoice and an export undertaking certificate within the meaning of Article 3(1)(b) and (c) of Regulation 1238/2013 and Article 2(1)(b) and (c) of Regulation 1239/2013 also be submitted within a time limit set by the customs authorities pursuant to Article 53(1) of the Customs Code?
4. If the answer to the third question is in the affirmative: Does an undertaking invoice pursuant to Article 3(1)(b) of Regulation 1238/2013 and Article 2(1)(b) of Regulation 1239/2013, which refers to Decision 2013/423/EU instead of to Implementing Decision 2013/707/EU, under the conditions of the case in the main proceedings and in consideration of general legal principles, satisfy the conditions in paragraph 9 of Annex III to Regulation 1238/2013 and paragraph 9 of Annex 2 to Regulation 1239/2013?
5. If the answer to the fourth question is in the negative: In the application of Article 212a of the Customs Code to the case when a customs debt arises under Article 204(1) of the Customs Code due to the failure to comply with the time limit pursuant to Article 49(1) of the Customs Code, may an undertaking invoice within the meaning of Article 3(1)(b) of Regulation 1238/2013 and Article 2(1)(b) of Regulation 1239/2013 also still be submitted in the appeal proceedings brought against the determination of customs debt?

<sup>(1)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1), as amended by Regulation (EC) No 82/97 of the European Parliament and of the Council of 19 December 1996 (OJ 1997 L 17, p. 1).

<sup>(2)</sup> Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 1).

<sup>(3)</sup> Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 66).

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**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy)  
lodged on 4 May 2018 — Associazione 'Verdi Ambiente e Società — Aps Onlus' and Others v  
Presidente del Consiglio dei Ministri and Others**

**(Case C-305/18)**

(2018/C 268/28)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicants:* Associazione 'Verdi Ambiente e Società — Aps Onlus', VAS — Aps Onlus, Associazione di Promozione Sociale 'Movimento Legge Rifiuti Zero per l'Economia Circolare'

*Defendants:* Presidente del Consiglio dei Ministri, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Regione Lazio, Regione Toscana, Regione Lombardia