

Re:

Reference for a preliminary ruling — Finanzgericht Hamburg — Interpretation of Article 204(1)(a) of Council Regulation (EEC) No 2913/92 of 12 October 1992, establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Delayed entry in stock records of information concerning the removal of goods from a customs warehouse — Whether arising of the customs debt admissible as the penalty for that failure

Operative part of the judgment

Article 204(1)(a) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 648/2005 of the European Parliament and of the Council of 13 April 2005, must be interpreted as meaning that, in the case of non-Community goods, non-fulfilment of the obligation to enter the removal of the goods from the customs warehouse in the appropriate stock records, at the latest when the goods leave the customs warehouse, gives rise to a customs debt in respect of those goods, even if they have been re-exported.

(¹) OJ C 238, 13.8.2011.

Judgment of the Court (Fourth Chamber) of 6 September 2012 (reference for a preliminary ruling from the Consiglio di Stato — Italy) — Pioneer Hi Bred Italia Srl v Ministero delle Politiche agricole alimentari e forestali

(Case C-36/11) (¹)

(Agriculture — Genetically modified organisms — Council Directive 2002/53/EC — Common catalogue of varieties of agricultural plant species — Genetically modified organisms accepted for inclusion in the common catalogue — Regulation (EC) No 1829/2003 — Article 20 — Existing products — Directive 2001/18/EC — Article 26a — Measures to avoid the unintended presence of genetically modified organisms — National measures prohibiting the cultivation of genetically modified organisms accepted for inclusion in the common catalogue and authorised as existing products pending measures based on Article 26a of Directive 2001/18/EC)

(2012/C 355/06)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Pioneer Hi Bred Italia Srl

Defendant: Ministero delle Politiche agricole alimentari e forestali

Re:

Reference for a preliminary ruling — Consiglio di Stato — Second Chamber — Interpretation of Articles 16, 19, 22 and

26a of Directive 2001/18/EC of the Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ 2001 L 106, p. 1) — Interpretation of Article 19 of Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ 2002 L 193, p. 1) — Application for authorisation to cultivate GMOs listed in the European common catalogue — Refused by the competent authority because of the lack of internal general measures governing such matters.

Operative part of the judgment

1. The cultivation of genetically modified organisms such as the MON 810 maize varieties cannot be made subject to a national authorisation procedure when the use and marketing of those varieties are authorised pursuant to Article 20 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed and those varieties have been accepted for inclusion in the common catalogue provided for in Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species, as amended by Regulation No 1829/2003;
2. Article 26a of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC, as amended by Directive 2008/27/EC of the European Parliament and of the Council of 11 March 2008, does not entitle a Member State to prohibit in a general manner the cultivation on its territory of such genetically modified organisms pending the adoption of coexistence measures to avoid the unintended presence of genetically modified organisms in other crops.

(¹) OJ C 89, 19.3.2011.

Judgment of the Court (Second Chamber) of 6 September 2012 — European Commission v Kingdom of Belgium

(Case C-150/11) (¹)

(Failure of a Member State to fulfil obligations — Directive 1999/37/EC — Registration documents for vehicles — Vehicles previously registered in another Member State — Change of ownership — Requirement of a roadworthiness test — Requirement of production of a certificate of conformity — Roadworthiness test carried out in another Member State — Non-recognition — Lack of justification)

(2012/C 355/07)

Language of the case: French

Parties

Applicant: European Commission (represented by: O. Beynet and A. Marghelis, acting as Agents)