

**Hauptzollamt Krefeld  
v Maizena GmbH  
(reference for a preliminary  
ruling from the Bundesfinanzhof)**

(Production refund)

Case 5/82

1. *Community law — Principles — Protection of legitimate expectation — Sudden departure by a Member State from a practice not conforming to Community law — Breach of principle — None*
2. *Agriculture — Common organization of the markets — Cereals — Production refunds for maize processed into starch — Calculation — Date to be taken into account — Date of processing  
(Council Regulations Nos 371/67 and 1132/74; Commission Regulations Nos 1060/68 and 2012/74)*

1. A practice of a Member State which does not conform to Community rules may never give rise to legal situations protected by Community law and that is so even where the Commission has failed to take the necessary action to ensure that the State in question correctly applies the Community rules. It is not therefore possible to argue that there is a breach of the principle of the protection of legitimate expectation because a Member State suddenly departs from such a practice after following it for several years.
2. Both under the Community rules in force until 31 July 1974 and under those in force after that date, the production refund for maize processed into starch must be equal to the difference between the threshold and supply prices applicable at the date at which the maize is processed.

<sup>1</sup> — Language of the Case: German.