

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Third Chamber) of 9 October 2008  
(reference for a preliminary ruling from the Finanzgericht  
Hamburg, Germany) — Interboves GmbH v Hauptzollamt  
Hamburg-Jonas**

(Case C-277/06) <sup>(1)</sup>

**(Directive 91/628/EEC — Export refunds — Protection of  
animals during transport — Transport of bovine animals by  
sea between two geographical points of the Community —  
Vehicle loaded onto a vessel without unloading the animals —  
12 hour rest period — Obligation)**

(2009/C 69/02)

Language of the case: German

**Referring court**

Finanzgericht Hamburg

**Parties to the main proceedings**

Applicant: Interboves GmbH

Defendant: Hauptzollamt Hamburg-Jonas

**Re:**

Reference for a preliminary ruling — Finanzgericht Hamburg — Interpretation of point 48.7 (a) and (b) of Chapter VII of the annex to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC (OJ 1991 L 340, p. 17) — Need to allow a 12 hour rest period after transporting bovine animals by sea between two points within the Community by means of a vehicle taken on board a vessel without unloading of the animals

**Operative part of the judgment**

- Point 48.7(a) of the Annex to Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC, as amended by Council Directive 95/29/EC of 29 June 1995, is to be interpreted as defining the general provisions applicable to transport by sea, including transport by roll-on/roll-off ferry on a regular and direct link between two geographical points of the European Community by means of vehicles loaded on to vessels without unloading of the animals, with the exception, so far as that type of vessel is concerned, of rest periods given to the animals after unloading, which are provided for in point 48.7(b) of that annex.
- In accordance with that latter provision, whether there is a connection between the periods of transport by road preceding and following a period of transport by roll-on/roll-off ferry on a regular and direct link between two geographical points of the Community by means of vehicles loaded on to vessels without unloading of the animals depends on whether or not the maximum duration of 28 hours of travel on a roll on/roll-off ferry referred to in paragraph 48.4(d) of the annex to Directive 91/628 has been exceeded.
- Where the duration of transport by roll-on/roll-off ferry on a regular and direct link between two geographical points of the Community by means of vehicles loaded on to vessels without unloading of the animals is less than the maximum duration of 28 hours, a period of transport by road can begin immediately after the animals are unloaded at the port of destination. In order to calculate the duration of that period, the duration of the period of transport by road which preceded transport by roll on/roll-off ferry should be taken into account, unless a rest period of at least 24 hours, in application of point 48.5 of the annex to Directive 91/628, has neutralised the period of transport by road preceding the transport by sea. It is for the national court to ascertain whether, in the dispute in the main proceedings, the journey at issue meets the abovementioned conditions.

<sup>(1)</sup> OJ C 212, 2.9.2006.