

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Eighth Chamber) of 29 October 2009 (reference for a preliminary ruling from the Finanzgericht Düsseldorf (Germany)) — Dinter GmbH v Hauptzollamt Düsseldorf (C-522/07), Europol Frost-Food GmbH v Hauptzollamt Krefeld (C-65/08)

(Joined Cases C-522/07 and C-65/08) ⁽¹⁾

(Common Customs Tariff — Regulation (EEC) No 2658/87 — Combined Nomenclature — Tariff classification — Validity — Additional note — Apple juice concentrate)

(2009/C 312/02)

Language of the case: German

Referring court

Finanzgericht Düsseldorf

Parties to the main proceedings

Applicants: Dinter GmbH (C-522/07), Europol Frost-Food GmbH (C-65/08)

Defendants: Hauptzollamt Düsseldorf (C-522/07), Hauptzollamt Krefeld (C-65/08)

Re:

Reference for a preliminary ruling — Finanzgericht Düsseldorf — Interpretation and validity of Additional Note 5(b) to Chapter 20 of Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1), as amended by Commission Regulation (EC) No 1810/2004 of 7 September 2004 (OJ 2004 L 327, p. 1) — Pure concentrated apple juice, with a Brix value of 66.8, not containing added sugar — Classification of that product under tariff subheading 2009 7999 (apple juice not containing added sugar) or under subheading 2106 9098 (food preparations not elsewhere specified or included) — Limits on the Commission's powers under Article 9 of Council Regulation (EEC) No 2658/87 to specify the content of the tariff headings

Operative part of the judgment

Additional Note 5(b) to Chapter 20 of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulations (EC) No 1776/2001 of 7 September 2001, (EC) No 2031/2001 of 6 August 2001 and (EC) No 1810/2004 of 7 September 2004, amending Annex I to Regulation No 2658/87, is invalid to the extent that it excludes natural apple juice concentrate from heading 2009.

⁽¹⁾ OJ C 37, 9.2.2008
OJ C 107, 26.4.2008

Judgment of the Court (Fourth Chamber) of 29 October 2009 — Commission of the European Communities v Federal Republic of Germany

(Case C-536/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Public works contracts — Directive 93/37/EEC — Contract between a public body and a private undertaking for the lease to the former of exhibition halls to be built by the latter — Private undertaking to be paid by means of a monthly rent for a period of 30 years)

(2009/C 312/03)

Language of the case: German

Parties

Applicant: Commission of the European Communities (represented by: D. Kukovec and R. Sauer, acting as Agents)

Defendant: Federal Republic of Germany (represented by: M. Lumma and J. Möller, acting as Agents, and by H.-J. Prieß, Rechtsanwalt)