

3. Article 2(2) of Regulation No 2777/2000, as amended by Regulation No 111/2001, and Article 4 and Article 5(4), second subparagraph, of Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC, as amended and consolidated by Council Directive 96/43/EC of 26 June 1996, must be interpreted as not precluding Member States from charging national fees intended to finance the cost of testing for bovine spongiform encephalopathy. The total amount of the fees concerning the slaughter procedures for bovine animals intended for human consumption must be set in accordance with the principles adopted for Community fees, according to which that amount may not exceed the costs incurred, which cover salary and social-security costs and the administrative costs of carrying out those tests and any direct or indirect refund of such fees is prohibited.

(¹) OJ C 297, 8.12.2007.

Judgment of the Court (Grand Chamber) of 7 July 2009 (Reference for a preliminary ruling from the High Court of Justice (Queen's Bench Division) (United Kingdom) — The Queen, on the application of S.P.C.M. SA, C.H. Erbslöh KG, Lake Chemicals and Minerals Ltd, Hercules Inc. v Secretary of State for the Environment, Food and Rural Affairs

(Case C-558/07) (¹)

(Regulation (EC) No 1907/2006 — Chemicals — Registration, evaluation, authorisation and restriction of chemicals (REACH) — Concept of 'monomer substances' — Validity — Proportionality — Equal treatment)

(2009/C 205/08)

Language of the case: English

Referring court

High Court of Justice (Queen's Bench Division)

Parties to the main proceedings

Applicants: The Queen, on the application of S.P.C.M. SA, C.H. Erbslöh KG, Lake Chemicals and Minerals Ltd, Hercules Inc.

Defendants: Secretary of State for the Environment, Food and Rural Affairs

Re:

Reference for a preliminary ruling — High Court of Justice, Queen's Bench Division — Interpretation and validity of Article 6(3) of Regulation (EC) No 1907/2006 of the

European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC — Concept of 'monomer substances'

Operative part of the judgment

1. The concept of 'monomer substances' in Article 6(3) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC relates only to reacted monomers which are integrated in polymers;
2. Examination of the second question has revealed no factor of such a kind as to affect the validity of Article 6(3) of Regulation No 1907/2006.

(¹) OJ C 51, 23.2.2008.

Judgment of the Court (First Chamber) of 2 July 2009 (reference for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands)) — Har Vaessen Douane Service BV v Staatssecretaris van Financiën

(Case C-7/08) (¹)

(Relief from import duties — Regulation (EEC) No 918/83 — Article 27 — Goods of a negligible individual value dispatched as a grouped consignment — Consignments dispatched direct from a third country to a consignee in the Community)

(2009/C 205/09)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Har Vaessen Douane Service BV

Defendant: Staatssecretaris van Financiën

Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden (Netherlands) — Interpretation of Article 27 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty, as amended by Regulation (EEC) No 3357/91 (OJ 1991 L 105, p. 1) — Consignments dispatched direct from a third country to a consignee in the Community, each of negligible value but dispatched as a grouped consignment with a combined intrinsic value which exceeds the maximum value prescribed by law

Operative part of the judgment

Article 27 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty, as amended by Regulation (EEC) No 3357/91 of 7 November 1991, does not preclude grouped consignments of goods, with a combined intrinsic value which exceeds the value threshold laid down in Article 27, but which are individually of negligible value, from being admitted free of import duties, provided that each parcel of the grouped consignment is addressed individually to a consignee within the European Community. In that respect, the fact that the contractual partner of those consignees is itself established in the European Community is not relevant where the goods are dispatched directly from a third country to those consignees.

(¹) OJ C 92, 12.04.2008.

Judgment of the Court (Third Chamber) of 25 June 2009 (reference for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción No 5, San Javier — Spain) — Roda Golf & Beach Resort SL

(Case C-14/08) (¹)

(Judicial cooperation in civil matters — Preliminary references — Jurisdiction of the Court — Definition of ‘dispute’ — Regulation (EC) No 1348/2000 — Service of extrajudicial documents in the absence of legal proceedings — Notarial act)

(2009/C 205/10)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia e Instrucción No 5, San Javier

Parties to the main proceedings

Roda Golf & Beach Resort SL

Re:

Reference for a preliminary ruling — Juzgado de Primera Instancia e Instrucción No 5, San Javier — Interpretation of

Article 16 of Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (OJ 2000 L 160, p. 37) — Service of extrajudicial documents exclusively by and to private persons using the physical and personal resources of courts of the European Union outside of any court proceedings

Operative part of the judgment

The service of a notarial act, in the absence of legal proceedings, such as that at issue in the main proceedings, falls within the scope of Council Regulation (EC) No 1348/2000 of 29 May 2002 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

(¹) OJ C 92, 12.04.2008.

Judgment of the Court (First Chamber) of 2 July 2009 (Reference for a preliminary ruling from the Juzgado de lo Mercantil nº 1 de Alicante y nº 1 de Marca Comunitaria — Spain) — Fundación Española para la Innovación de la Artesanía (FEIA) v Cul de Sac Espacio Creativo SL, Acierta Product Position SA

(Case C-32/08) (¹)

(Regulation (EC) No 6/2002 — Community designs — Articles 14 and 88 — Proprietor of the right to the Community design — Unregistered design — Commissioned design)

(2009/C 205/11)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil nº 1 de Alicante y nº 1 de Marca Comunitaria

Parties to the main proceedings

Applicant: Fundación Española para la Innovación de la Artesanía (FEIA)

Defendants: Cul de Sac Espacio Creativo SL, Acierta Product Position SA

Re:

Reference for a preliminary ruling — Juzgado de lo Mercantil nº 1 de Alicante y nº 1 de Marca Comunitaria — Interpretation of Articles 14(1) and (3) and 88(2) of Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ 2002 L 3, p. 1) — Proprietor of the rights — Right vesting in the employer or in the employed designer — Definitions