Operative part of the judgment

1. *A concerted practice pursues an anti-competitive object for the purposes of Article 81(1) EC where, according to its content and objectives and having regard to its legal and economic context, it is capable in an individual case of resulting in the prevention, restriction or distortion of competition within the common market. It is not necessary for there to be actual prevention, restriction or distortion of competition or a direct link between the concerted practice and consumer prices. An exchange of information between competitors is tainted with an anti-competitive object if the exchange is capable of removing uncertainties concerning the intended conduct of the participating undertakings.*

2. *In examining whether there is a causal connection between the concerted practice and the market conduct of the undertakings participating in the practice — a connection which must exist if it is to be established that there is concerted practice within the meaning of Article 81(1) EC — the national court is required, subject to proof to the contrary, which it is for the undertakings concerned to adduce, to apply the presumption of a causal connection established in the Court's case-law, according to which, where they remain active on that market, such undertakings are presumed to take account of the information exchanged with their competitors.*

3. *In so far as the undertaking participating in the concerted action remains active on the market in question, there is a presumption of a causal connection between the concerted practice and the conduct of the undertaking on that market, even if the concerted action is the result of a meeting held by the participating undertakings on a single occasion.*

([1]) OJ C 92, 12.4.2008.

Judgment of the Court (Sixth Chamber) of 11 June 2009 (Reference for a preliminary ruling from the Administratīvā apgabaltiesa — Republic of Latvia) — Schenker SIA v Valsts ieņēmumu dienests

(Case C-16/08) ([1])

(Common Customs Tariff — Tariff classification — Combined Nomenclature — Active matrix liquid crystal devices)

(2009/C 180/21)

Language of the case: Latvian

Referring court

Administratīvā apgabaltiesa

Parties to the main proceedings

Applicant: Schenker SIA

Defendant: Valsts ieņēmumu dienests

Re:

Reference for a preliminary ruling — Administratīvā apgabaltiesa — Interpretation of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1) — Active matrix liquid crystal device (LCD) — Classification in heading 8528 21 90 or 9013 80 20 of the Combined Nomenclature — Whether an article has or not the essential characteristics of a complete or finished product.

Operative part of the judgment

Subheading 8528 21 90 of the Combined Nomenclature constituting 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 Regulation (EC) No 1789/2003 of 11 September 2003, must be interpreted as not applying, as at 29 December 2004, to active matrix liquid crystal devices (LCD) principally made up of the following elements:

— *two glass plates;*

— *a layer of liquid crystal inserted between the two plates;*

— *vertical and horizontal signal drivers;*

— *backlight;*

— *inverter providing high-voltage power for backlight;*

and

— *control block — data transmission interface (control PCB or PWB) to ensure sequential transmission of data to each pixel (dot) of the LCD unit using specific technology — LVDS (low-voltage differential signalling).*

([1]) OJ C 92, 12.4.2008.