

Re:

Reference for a preliminary ruling — Cour du travail de Liège (Belgium) — Interpretation of Articles 2, 3 and 6 of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ 1998 L 225, p. 16) — Legality of the procedure for informing and consulting staff in the event of redundancy — Lack of written communication in relation to, inter alia, the reasons for the projected redundancies, the number and categories of workers to be made redundant and the criteria proposed for the selection of those workers — Effect of the failure, on the part of the workers' representatives, to complain, on the right of workers, individually, to bring proceedings to contest the legality of the redundancy procedure — Scope of the requirement to interpret consistently.

Operative part of the judgment

1. Article 6 of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, read in conjunction with Article 2 thereof, is to be interpreted as not precluding national rules which introduce procedures intended to permit both workers' representatives and the workers themselves as individuals to ensure compliance with the obligations laid down in that directive, but which limit the individual right of action of workers in regard to the complaints which may be raised and makes that right subject to the requirement that workers' representatives should first have raised objections with the employer and that the worker concerned has informed the employer in advance of his intention to query whether the information and consultation procedure has been complied with;
2. The fact that national rules, establishing procedures which permit workers' representatives to ensure that the employer has complied with all the information and consultation obligations set out in Directive 98/59, impose limits and conditions on the individual right of action which it also grants to every worker affected by collective redundancy is not of such a nature as to infringe the principle of effective judicial protection;
3. Article 2 of Directive 98/59 must be interpreted as precluding national rules which reduce the obligations of an employer who intends to proceed with collective redundancies below those laid down in Article 2 of that directive. In applying domestic law, the national court is required, applying the principle of interpreting national law in conformity with Community law, to consider all the rules of national law and to interpret them, so far as possible, in the light of the wording and purpose of Directive 98/59 in order to achieve an outcome consistent with the objective pursued by the directive. Consequently, it must ensure, within the limits of its jurisdiction, that the obligations binding such an employer are not reduced below those laid down in Article 2 of that directive.

(¹) OJ C 79, 29.3.2008.

Judgment of the Court (Fourth Chamber) of 16 July 2009 (reference for a preliminary ruling from the Tallinna Halduskohus (Estonia)) — Pärilitigu OÜ v Maksu- ja Tolliameti Põhja maksu- ja tollikeskus

(Case C-56/08) (¹)

(Common Customs Tariff — Combined Nomenclature — Tariff classification — Subheading CN 05119110 — Subheading CN 03032200 — Frozen backbones of farmed Atlantic salmon — Regulation (EC) No 85/2006 — Anti-dumping duties)

(2009/C 220/12)

Language of the case: Estonian

Referring court

Tallinna Halduskohus

Parties to the main proceedings

Applicant: Pärilitigu OÜ

Defendant: Maksu- ja Tolliameti Põhja maksu- ja tollikeskus

Re:

Reference for a preliminary ruling — Tallinna Halduskohus — Interpretation 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 (OJ 1987 L 256, p. 1) in the version applicable at the material time — Validity of Article 1(5) of Council Regulation (EC) No 85/2006 of 17 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of farmed salmon originating in Norway (OJ 2006 L 15, p. 1) — Classification under heading 0303 22 00 15 (farmed salmon, frozen, other) or 0511 91 10 00 (fish waste) for the purpose of levying anti-dumping duty — Frozen backbones of farmed Atlantic salmon obtained after filleting the fish

Operative part of the judgment

The Combined Nomenclature, which constitutes 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 1719/2005 of 27 October 2005, must be interpreted as meaning that frozen backbones of farmed Atlantic salmon (*Salmo salar*), obtained after filleting the fish, must be classified under CN heading 0303 22 00 if the goods are fit for human consumption at the time that they are cleared through customs, which it is for the national court to ascertain.

(¹) OJ C 92, 12.4.2008.