

**Order of the Court (Sixth Chamber) of 11 July 2008 (reference for a preliminary ruling from the Panevėžio apygardos teismas — Republic of Lithuania) — Criminal proceedings against Edgar Babanov**

(Case C-207/08) <sup>(1)</sup>

**(First paragraph of Article 104(3) of the Rules of Procedure — Agriculture — Free movement of goods — National legislation prohibiting the cultivation of any type of hemp)**

(2008/C 285/24)

Language of the case: Lithuanian

### Referring court

Panevėžio apygardos teismas

### Criminal proceedings against

Edgar Babanov

### Action

Reference for a preliminary ruling — Panevėžio apygardos teismas — Compatibility with the law of the European Union of national legislation providing for criminal liability for cultivating any type of hemp — Power of a court to apply national legislation when the hemp content of active substances does not exceed a certain threshold

### Operative part of the judgment

1. Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 must be interpreted as meaning that it precludes national legislation which has the effect of prohibiting the cultivation and possession of hemp grown for fibre covered by that regulation.
2. Community law precludes the court of a Member State from applying national legislation which, contrary to Regulation No 1782/2003, has the effect of prohibiting the cultivation and possession of hemp grown for fibre covered by that regulation.

<sup>(1)</sup> OJ C 209 of 15.8.2008.

**Appeal brought on 21 February 2008 by Athanasios Pitsiorlas against the judgment of the Court of First Instance (Fifth Chamber) delivered on 27 November 2007 in Joined Cases T-3/00 and T-337/04 Athanasios Pitsiorlas v Council of the European Union and European Central Bank**

(Case C-84/08 P)

(2008/C 285/25)

Language of the case: Greek

### Parties

*Appellant:* Athanasios Pitsiorlas (represented by: D. Papafilippou, dikigoros)

*Other parties to the proceedings:* Council of the European Union, European Central Bank

**By order of 3 July 2008, the Court of Justice (Second Chamber) dismissed the appeal and ruled that Athanasios Pitsiorlas had to bear the costs.**

### Action brought on 17 July 2008 — Commission of the European Communities v French Republic

(Case C-327/08)

(2008/C 285/26)

Language of the case: French

### Parties

*Applicant:* Commission of the European Communities (represented by: G. Rozet and D. Kukovec, Agents)

*Defendant:* French Republic