

**Question referred**

Is Article 4(2) of Council Regulation (EC) No 2193/2003 of 8 December 2003 establishing additional customs duties on imports of certain products originating in the United States of America <sup>(1)</sup> to be interpreted, contrary to its wording, as meaning that products for which it can be demonstrated that they are on their way to the Community on the date of first application of the additional duties and whose destination cannot be changed are not affected by the additional duty?

<sup>(1)</sup> OJ 2003 L 328, p. 3.

**Reference for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 3 April 2008 — Janko Rottmann v Freistaat Bayern**

(Case C-135/08)

(2008/C 171/22)

*Language of the case: German*

**Referring court**

Bundesverwaltungsgericht

**Parties to the main proceedings**

*Applicant:* Janko Rottmann

*Defendant:* Freistaat Bayern

**Questions referred**

1. Does Community law preclude the legal consequence of the loss of Union citizenship (and of the associated rights and fundamental freedoms) resulting from the fact that a revocation, lawful as such under national (German) law, of a naturalisation as a national of a Member State (Germany) acquired by intentional deception has the effect, in combination with the national law on nationality of another Member State (Austria) — as with the claimant in the present case because of the non-revival of the original Austrian nationality — that statelessness supervenes?

2. If Question 1 is answered in the affirmative:

Must the Member State (Germany) which has naturalised the citizen of the Union and now wishes to revoke the naturalisation obtained by deception, having due regard to Community law, refrain altogether or temporarily from revoking the naturalisation if or as long as revocation would have the

legal consequence of loss of Union citizenship (and of the associated rights and fundamental freedoms) described in Question 1, or is the other Member State (Austria) of former nationality obliged, having due regard to Community law, to interpret and apply, or even adjust, its national law so that that legal consequence does not supervene?

**Reference for a preliminary ruling from the Tallinna Halduskohus (Estonia) lodged on 7 April 2008 — Rakvere Lihakombinaat AS v Põllumajandusminister and Maksu- ja Tolliameti Ida maksu- ja tollikeskus**

(Case C-140/08)

(2008/C 171/23)

*Language of the case: Estonian*

**Referring court**

Tallinna Halduskohus

**Parties to the main proceedings**

*Applicant:* Rakvere Lihakombinaat AS

*Defendants:* Põllumajandusminister and Maksu- ja Tolliameti Ida maksu- ja tollikeskus

**Questions referred**

1. Must frozen mechanically separated chicken meat (mechanically separated meat was defined for the first time in point 1.14 of Annex I to Regulation (EC) No 853/2004 <sup>(1)</sup> of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin) be classified as from 1 May 2004 under CN code 0207 14 10 or CN code 0207 14 99 in Annex I to Council Regulation (EEC) No 2658/87 <sup>(2)</sup> of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff?

2. If the product described in Question 1.1 must be classified under CN code 0207 14 10, to seek a preliminary ruling on the following question:

2.1 Does Article 4(1) and (2) of Commission Regulation (EC) No 1972/2003 <sup>(3)</sup> preclude the ascertainment of the amount of an operator's surplus stock by automatically deducting from the surplus stock (regarded as transitional stock) the operator's average stock as at 1 May of the four years of activity preceding 1 May 2004, multiplied by 1.2?