

- (2) Must Article 2(2) and (3) of Commission Regulation (EEC) No 1593/91 of 12 June 1991, read in conjunction with Article 11(1) and (2) of the Convention of 14 November 1975 on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), be interpreted as meaning that the period laid down therein applies only for the furnishing of proof as to the regularity of the transport operation, but not for the furnishing of proof as to the place where the offence or irregularity was committed?
- (3) Must Article 2(2) and (3) of Commission Regulation (EEC) No 1593/91 of 12 June 1991, read in conjunction with Article 11(1) and (2) of the Convention of 14 November 1975 on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), be interpreted as meaning that, in so far as the period laid down therein also applies for the furnishing of proof as to the place where the offence or irregularity was committed, that period is not a strict period and that the carnet holder may still furnish that proof even after that period has expired?

(⁴) Commission Regulation (EEC) No 1593/91 of 12 June 1991 providing for the implementation of Council Regulation (EEC) No 719/91 on the use in the Community of TIR carnets and ATA carnets as transit documents (OJ 1991 L 148, p. 11).

Action brought on 17 April 2008 — Commission of the European Communities v Republic of Poland

(Case C-165/08)

(2008/C 183/20)

Language of the case: Polish

Parties

Applicant: Commission of the European Communities (represented by: B. Doherty and A. Szymtowska, Agents)

Defendant: Republic of Poland

Form of order sought

— declare that, by introducing a ban on the free movement of seed derived from genetically modified varieties and by prohibiting the registration of genetically modified varieties in the national catalogue of varieties, the Republic of Poland has failed to comply with its obligations under Directive 2001/18/EC of the European Parliament and of the Council (¹) in its entirety, and in particular pursuant to Articles 22 and 23 thereof, as well as its obligations under Council Directive 2002/53/EC (²), and in particular Articles 4(4) and 16 thereof;

— order the Republic of Poland to pay the costs of the proceedings.

Pleas in law and main arguments

The national provision stating that ‘seed derived from genetically modified varieties may not be authorised for marketing within the territory of the Republic of Poland’ is at variance with Directive 2001/18/EC, which lays down the principles governing the bringing onto the market of genetically modified organisms. Article 22 of that directive prohibits the Member States from imposing additional conditions on the marketing of organisms which have been authorised at Community level, while Article 23 of the directive provides for restrictions and prohibitions only in the case of particular genetically modified organisms and only in special circumstances. In none of its provisions does the directive authorise a Member State to prohibit, in a general and unjustified manner, the marketing, within its territory, of an entire category (in this case, seed) of genetically modified organisms. The aforementioned provision is also at variance with Directive 2002/53/EC, in particular Article 16 thereof, inasmuch as it constitutes a marketing restriction in relation to seed derived from varieties listed in the common catalogue of varieties of agricultural plant species.

The national provision stating that ‘genetically modified varieties may not be registered in the national catalogue’ is at variance with Directive 2002/53/EC. Article 4(4) of that directive does not authorise Member States to prohibit generally the registration of genetically modified varieties in the national catalogue, but rather imposes on them solely the obligation to ensure, when such varieties are being entered in the national catalogue, that each of those varieties had been approved in accordance with the Community legislation applicable to genetically modified organisms.

(¹) OJ L 106, 17.4.2001, p. 1-39.

(²) OJ L 193, 20.7.2002, p. 1-11.

Reference for a preliminary ruling from the Amtsgericht Bidingen (Germany) lodged on 18 April 2008 — Criminal proceedings against Guido Weber

(Case C-166/08)

(2008/C 183/21)

Language of the case: German

Referring court

Amtsgericht Bidingen