

**Judgment of the Court (Fourth Chamber) of 30 September 2010 (reference for a preliminary ruling from the Fővárosi Bíróság — Republic of Hungary) — József Uzonyi v Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve**

(Case C-133/09) <sup>(1)</sup>

**(Agriculture — Common agricultural policy — Support schemes — Regulation (EC) No 1782/2003 — Article 143ba — Separate sugar payment — Grant — Decision of the new Member States — Conditions — Objective and non-discriminatory criteria)**

(2010/C 317/16)

Language of the case: Hungarian

**Referring court**

Fővárosi Bíróság

**Parties to the main proceedings**

Applicant: József Uzonyi

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve

**Re:**

Reference for a preliminary ruling — Fővárosi Bíróság — Interpretation of Article 143ba(1) of 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 — Obligation on Member States to grant a separate sugar payment on the basis of objective and non-discriminatory criteria — National legislation reserving that payment to producers holding a supply contract for sugar beet concluded directly with a sugar refinery

**Operative part of the judgment**

Article 143ba(1) of 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) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001, as amended by Council Regulation (EC) No 319/2006 of 20 February 2006, must be interpreted as precluding national provisions such as those at issue in the main proceedings which exclude from entitlement to a separate sugar

payment a farmer not having delivery rights who delivers sugar beet to a sugar manufacturer through an integrátor which does have such rights, although those provisions grant a separate payment to a farmer having delivery rights who delivers sugar beet direct to a sugar manufacturer, and to a farmer not having delivery rights who is a member of a producer group which does have delivery rights and who delivers sugar beet to a sugar manufacturer through that group.

<sup>(1)</sup> OJ C 153, 4.7.2009.

**Judgment of the Court (Third Chamber) of 30 September 2010 (reference for a preliminary ruling from the Oberster Gerichtshof — Austria) — Stadt Graz v Strabag AG, Teerag-Asdag AG, Bauunternehmung Granit GesmbH**

(Case C-314/09) <sup>(1)</sup>

**(Directive 89/665/EEC — Public procurement — Review procedures — Actions for damages — Unlawful award — National rule on liability based on a presumption that the contracting authority is at fault)**

(2010/C 317/17)

Language of the case: German

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

Applicant: Stadt Graz

Defendants: Strabag AG, Teerag-Asdag AG, Bauunternehmung Granit GesmbH

In the presence of: Land Steiermark

**Re:**

Reference for a preliminary ruling — Oberster Gerichtshof — Interpretation of Articles 1(1) and 2(1)(c) and (7) of Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ 1989 L 395, p. 33) — Award of a public contract in accordance with a decision of the appeal court which binds the contracting authority — Unlawfulness of the award of the public contract in consequence of an infringement of national legislation — Necessary conditions for an action for damages and interest — Principle of effectiveness