

**Judgment of the Court (Fifth Chamber) of 7 October 2010
(reference for a preliminary ruling from the Tribunale di Bolzano — Italy) — Criminal proceedings against Martha Nussbaumer**

(Case C-224/09) ⁽¹⁾

(Reference for a preliminary ruling — Directive 92/57/EEC — Implementation of minimum safety and health requirements on temporary and mobile construction sites — Article 3 — Requirement to appoint a coordinator for safety and health matters and draw up a safety and health plan)

(2010/C 328/11)

Language of the case: Italian

Referring court

Tribunale di Bolzano

Party in the main proceedings

Martha Nussbaumer

Re:

Reference for a preliminary ruling — Tribunale di Bolzano — Interpretation of Article 3 of Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ 1992 L 245, p. 6) — Private works not subject to planning permission — Derogation from the requirement to appoint a coordinator for safety and health matters during the project preparation stage or during the execution of the works

Operative part of the judgment

The Court:

1. Article 3 of Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) must be interpreted as follows:

— Article 3(1) precludes national legislation under which, for private works not subject to planning permission on a construction site on which more than one contractor is to be present, it is possible to derogate from the requirement imposed on the client or project supervisor to appoint a coordinator for safety and health matters at the project preparation stage or, in any event, before the works commence;

— Article 3(2) precludes national legislation under which the requirement for the coordinator responsible for the execution stage of the works to draw up a safety and health plan is confined to the situation in which more than one contractor is

engaged on a construction site involving private works that are not subject to that obligation and which does not use the particular risks such as those listed in Annex II to the directive as criteria for that requirement.

⁽¹⁾ OJ C 205, 29.8.2009.

**Judgment of the Court (Fifth Chamber) of 7 October 2010
(reference for a preliminary ruling from the Augstākās Tiesas Senāts — Republic of Latvia) — Stils Met SIA v Valsts ieņēmumu dienests**

(Case C-382/09) ⁽¹⁾

(Common Customs Tariff — Tariff classification — Combined Nomenclature — Chapter 73 — Steel strands, ropes and cables — Heading 7312 — TARIC code — Error in the tariff classification — Release of goods for free circulation — Regulation (EC) No 384/96 — Anti-dumping duties — Fine of an amount equal to the total anti-dumping duties)

(2010/C 328/12)

Language of the case: Latvian

Referring court

Augstākās Tiesas Senāts

Parties to the main proceedings

Applicant: Stils Met SIA

Defendant: Valsts ieņēmumu dienests

Re:

Reference for a preliminary ruling — Augstākās tiesas Senāts — Interpretation of Chapter 73 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), as amended by Commission Regulation (EC) No 1789/2003 of 11 September 2003 (OJ 2003 L 281, p. 1) and by Commission Regulation (EC) No 1810/2004 of 7 September 2004 (OJ 2004 L 327, p. 1) — Interpretation of Article 14(1) of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ 1996 L 56, p. 1) — Stranded wire, ropes and cables, of steel, not coated or only plated or coated with zinc, whatever their chemical composition, in particular of alloy steel, not consigned from Moldova or Morocco — Classification under headings 7312 10 82 19, 7312 10 84 19 and 7312 10 86 19 of the Combined Nomenclature in 2004 and 2005 — National legislation providing for a penalty in a sum equal to that of the antidumping duty