

greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC, in so far as it inserts a new Article 8a(2) and 8a(4) to (6) in Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC.

(¹) OJ C 267, 7.11.2009

**Judgment of the Court (Sixth Chamber) of 1 July 2010 —
European Commission v Kingdom of Spain**

(Case C-363/09) (¹)

(Failure of a Member State to fulfil obligations — Directive 91/444/EEC — Plant protection products — Application for authorisation to place on the market — Data protection)

(2010/C 234/21)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: L. Parpala and F. Jimeno Fernández, acting as Agents)

Defendant: Kingdom of Spain (represented by: J. López-Medel Bascones, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 13 of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1) — Data accompanying the application — Data use and protection — Confidentiality

Operative part of the judgment

The Court:

1. Declares that by maintaining in force Article 38 of Ley 43/2002 de sanidad vegetal (Law 43/2002 on plant health) of 20 November 2002, the Kingdom of Spain has failed to fulfil its obligations under Article 13 of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market;
2. Orders the Kingdom of Spain to pay the costs.

(¹) OJ C 267, 7.11.2009.

**Judgment of the Court (Grand Chamber) of 29 June 2010
(reference for a preliminary ruling from the
Oberlandesgericht Düsseldorf (Germany)) — Criminal
proceedings against E, F**

(Case C-550/09) (¹)

(Common foreign and security policy — Specific restrictive measures directed against certain persons and entities with a view to combating terrorism — Common Position 2001/931/CFSP — Regulation (EC) No 2580/2001 — Articles 2 and 3 — Inclusion of an organisation on the list of persons, groups and entities implicated in acts of terrorism — Transfer to an organisation, by members of that organisation, of funds originating from the collection of donations and the sale of publications)

(2010/C 234/22)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties in the main proceedings

E, F

Re:

Reference for a preliminary ruling — Oberlandesgericht Düsseldorf — Interpretation of Articles 2 and 3 of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2001 L 344, p. 70) — Challenge, before the national court, to the validity of a Council decision including an organisation on the list provided for in Article 2(3) of that regulation, where the decision has not been contested by the organisation in question — Scope of the regulation's provisions prohibiting economic resources from being made available to an organisation included on the list — Transfer of economic resources within the organisation by persons forming part of it

Operative part of the judgment

1. In respect of the period prior to 29 June 2007, the inclusion of Devrimci Halk Kurtulus Partisi-Cephesi (DHKP-C) on the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism is illegal and, accordingly, can form no part of the basis for a criminal conviction linked to an alleged infringement of that regulation.