

of Commission Regulation (EC) No 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, in so far as those directives and that regulation classified as carcinogenic to man in category 1, mutagenic in category 3 and reprotoxic in category 2 substances such as certain nickel carbonates, the nickel hydroxides and other grouped nickel substances at issue in the main proceedings.

(¹) OJ C 63, 13.3.2010.

Judgment of the Court (Fourth Chamber) of 21 July 2011 (reference for a preliminary ruling from the High Court of Justice of England and Wales, Queen's Bench Division (Administrative Court)) — Etimine SA v Secretary of State for Work and Pensions

(Case C-15/10) (¹)

(Environment and protection of human health — Directive 67/548/EEC — Regulation (EC) No 1272/2008 — Borate substances — Classification as reprotoxic substances in category 2 — Directive 2008/58/EC and Regulation (EC) No 790/2009 — Adaptation of the classifications to technical and scientific progress — Validity — Methods of assessing the intrinsic properties of those substances — Manifest error of assessment — Legal basis — Obligation to state reasons — Principle of proportionality)

(2011/C 269/15)

Language of the case: English

Referring court

High Court of Justice of England and Wales, Queen's Bench Division (Administrative Court)

Parties to the main proceedings

Claimant: Etimine SA

Defendant: Secretary of State for Work and Pensions

Intervener: Borax Europe Ltd

Re:

Reference for a preliminary ruling — High Court of Justice of England and Wales, Queen's Bench Division (Administrative Court) — Validity, so far as concerns the classification of borates as substances toxic for reproduction, of Commission Directive 2008/58/EC of 21 August 2008 amending, for the purpose of its adaptation to technical progress, for the 30th time, Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 2008 L 246, p. 1) and of Commission Regulation (EC) No 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ 2009 L 235, p. 1) — Incorrect assessment of the existence, as required by Annex VI to Directive 67/548/EEC, of a risk upon normal handling and use of the substance

Operative part of the judgment

Examination of the questions referred for a preliminary ruling has disclosed no factor of such a kind as to affect the validity, first, of Commission Directive 2008/58/EC of 21 August 2008 amending, for the purpose of its adaptation to technical progress, for the 30th time, Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances and, second, of Commission Regulation (EC) No 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, in so far as that directive and that regulation classified certain borate substances as reprotoxic in category 2.

(¹) OJ C 63, 13.3.2010.

Judgment of the Court (Third Chamber) of 21 July 2011 (reference for a preliminary ruling from the Fővárosi Bíróság) — Károly Nagy v Mezőgazdasági és Vidékfejlesztési Hivatal

(Case C-21/10) (¹)

(Common agricultural policy — EAGGF financing — Regulations (EC) No 1257/1999 and (EC) No 817/2004 — Community support for rural development — Support for agri-environmental production methods — Agri-environmental aid other than 'livestock' aid, the grant of which is conditional upon a certain density of livestock — Application of the integrated administration and control system — System for the identification and registration of bovine animals — Duty of national authorities to provide information on the conditions for eligibility)

(2011/C 269/16)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicant: Károly Nagy

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal

Re:

Reference for a preliminary ruling — Fővárosi Bíróság — Interpretation of Article 22 of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations (OJ 1999 L 160, p. 80), and Article 68 of Commission Regulation (EC) No 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation (EC)