

**Judgment of the Court (First Chamber) of 15 September 2011 (reference for a preliminary ruling from the Administrativen sad Sofia-grad (Bulgaria)) — ‘DP grup’ EOOD v Direktor na Agentsia ‘Mitnitsi’**

(Case C-138/10) <sup>(1)</sup>

*(Customs union — Customs declaration — Acceptance by the customs authorities of that declaration — Invalidation of a customs declaration which has already been accepted — Consequences for penal measures)*

(2011/C 319/10)

Language of the case: Bulgarian

**Referring court**

Administrativen sad Sofia-grad

**Parties to the main proceedings**

Applicant: ‘DP grup’ EOOD

Defendant: Direktor na Agentsia ‘Mitnitsi’

**Re:**

Reference for a preliminary ruling — Administrativen sad Sofia-grad — Interpretation of Articles 4(5), 8(1), first indent, 62, 63 and 68 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Acceptance by the customs authority of a customs declaration made in writing by the person liable to pay duty — Treatment of such acceptance as equivalent to an administrative decision open to judicial review — Acceptance of the declaration on a provisional basis pending definitive verification of the information provided therein by means of an expert report for the purpose of confirming the tariff code — Delimitation of the review conducted by the customs authority at the time of that verification

**Operative part of the judgment**

The provisions of European Union law in customs matters must be interpreted as meaning that a declarant cannot request a court to annul a customs declaration made by it when that declaration has been accepted by the customs authorities. By contrast, under the conditions laid down in Article 66 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Council Regulation (EC) No 1791/2006 of 20 November 2006, that declarant may request those authorities to invalidate that declaration, even after they have released the goods. At the conclusion of their assessment, the customs authorities must, subject to the possibility of a court action, either reject the declarant's application by reasoned decision or proceed with the invalidation requested.

<sup>(1)</sup> OJ C 148, 5.6.2010.

**Judgment of the Court (First Chamber) of 15 September 2011 (reference for a preliminary ruling from the Supreme Court of the United Kingdom) — Williams and Others v British Airways plc**

(Case C-155/10) <sup>(1)</sup>

*(Working conditions — Directive 2003/88/EC — Organisation of working time — Right to annual leave — Airline pilots)*

(2011/C 319/11)

Language of the case: English

**Referring court**

Supreme Court of the United Kingdom

**Parties to the main proceedings**

Applicants: Williams and Others

Defendant: British Airways plc

**Re:**

Reference for a preliminary ruling — Supreme Court of the United Kingdom — Interpretation of Article 7 of Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18) and of Article 7 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9) — Scope of the obligations laid down by the directives as to the nature and level of allowances for paid annual leave — Extent of the Member States' freedom to lay down the conditions therefor — Paid annual leave granted to airline pilots

**Operative part of the judgment**

Article 7 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time and Clause 3 of the Agreement annexed to Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation, concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA), must be interpreted as meaning that an airline pilot is entitled, during his annual leave, not only to the maintenance of his basic salary, but also, first, to all the components intrinsically linked to the performance of the tasks which he is required to carry out under his contract of employment and in respect of which a monetary amount, included in the calculation of his total remuneration, is provided and, second, to all the elements relating to his personal and professional status as an airline pilot.

It is for the national court to assess whether the various components comprising that worker's total remuneration meet those criteria.

<sup>(1)</sup> OJ C 161, 19.6.2010.