

6. Are the captain of the ship and the shipping company which he represents to be regarded as having caused the unlawful introduction of goods into the Community and, consequently, as the customs debtor within the meaning of the first indent of Article 202(3) of Regulation No 2913/92 where, on the basis of the information provided by the captain, a summary declaration is lodged by his representative in which the goods introduced are designated incorrectly, giving rise to a customs debt under Article 202(1) of Regulation No 2913/92 on account of the unlawful introduction of goods into the Community?
7. In the event that the answer(s) to questions 5 and/or 6 is/are in the negative, can the persons referred to in questions 5 and/or 6 be regarded, in the circumstances, as customs debtors within the meaning of the second indent of Article 202(3) of Regulation No 2913/92?

- (<sup>1</sup>) Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).  
 (<sup>2</sup>) Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000 amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 2000 L 311, p. 17).  
 (<sup>3</sup>) Algemene Wet inzake Douane en Accijnzen

**Appeal brought on 3 September 2010 by Volker Mauerhofer against the order of the General Court (Third Chamber) delivered on 29 June 2010 in Case T-515/08: Volker Mauerhofer v European Commission**

(Case C-433/10 P)

(2010/C 301/24)

*Language of the case: English*

**Parties**

*Appellant:* Volker Mauerhofer (represented by: J. Schartmüller, Rechtsanwalt)

*Other party to the proceedings:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- set aside the order under appeal;
- rule definitively on the substance and annul the contested measure or, in the alternative, refer the case back to the General Court to rule again on the case and;
- exercise its unlimited jurisdiction and award him the sum of EUR 5 500 by way of compensation for the financial loss resulting from the unlawful conduct in adopting the contested measure and from the lack of appropriate instructions to the team leader (expert 1);

- order that the Framework Contract Support Team should produce the Contractor Assessment Form submitted concerning the project subject of the dispute;
- order the Defendant to pay the costs incurred in the proceedings at first instance and the appeal.

**Pleas in law and main arguments**

The applicant submits that the contested order should be set aside on the following grounds:

- Distortion of facts concerning the linguistic review of the appellant's contribution;
- Inadequate analysis of the grounds of the Order under appeal concerning the linguistic review;
- Inadequate analysis of the issue concerning the defendant's performance;
- Unlawful assumption that the contested decision does not affect the position of the Appellant as a third party;
- Unlawful assumption that the contested measure brought about no distinct change in the Appellant's legal position;
- Unlawful assumption that the contested measure has not been adopted by the Defendant in the exercise of its powers as a public authority;
- Unlawful assumption that the contested measure was formalised in a timely and correct manner;
- Unlawful breach of the interests of the Appellant by not following prescribed procedures;
- Breach of the general community law principle of equal treatment and breach of the fundamental rights of the Appellant;
- Unlawful assumption of a non-substantial change in the distribution of days among experts;
- Breach of the general community rights to a fair hearing.

**Action brought on 15 September 2010 — European Commission v Federal Republic of Germany**

(Case C-445/10)

(2010/C 301/25)

*Language of the case: German*

**Parties**

*Applicant:* European Commission (represented by: C. Egerer and A. Alcover San Pedro, acting as Agents)