

Re:

Reference for a preliminary ruling — Sąd Najwyższy — Interpretation of Article 138 of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials (OJ 2004 L 345, p. 1) — Single area payment — Grant of aid excluded if the area declared is incorrect — Administrative or criminal nature of that penalty

Operative part of the judgment

Article 138(1) of Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that regulation and the use of land set aside for the production of raw materials must be interpreted as meaning that the measures provided for in the second and third subparagraphs of that provision, consisting in excluding a farmer from receiving aid for the year in which he made a false declaration of the eligible area and reducing the aid he can claim within the following three calendar years by an amount corresponding to the difference between the area declared and the area determined, do not constitute criminal penalties.

⁽¹⁾ OJ C 13, 15.1.2011.

**Judgment of the Court (Fourth Chamber) of 7 June 2012
(reference for a preliminary ruling from the Korkein hallinto-oikeus — Finland) — Proceedings brought by
Insinööritoimisto InsTiimi Oy**

(Case C-615/10) ⁽¹⁾

(Directive 2004/18/EC — Public contracts in the field of defence — Article 10 — Article 296(1)(b) EC — Protection of a Member State's essential security interests — Trade in arms, munitions and war material — Product procured by a contracting authority specifically for military purposes — Existence, as regards that product, of a potential and largely identical civilian application — Tilttable turntable for carrying out electromagnetic measurements — Contract not put out to tender in accordance with the procedures provided for by Directive 2004/18)

(2012/C 217/04)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Insinööritoimisto InsTiimi Oy,

party heard in the matter: Puolustusvoimat

Re:

Reference for a preliminary ruling — Korkein hallinto-oikeus — Interpretation of Article 10 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114) and Article 346 TFEU — List of arms, munitions and war material adopted by Decision No 255/58 of the Council of 15 April 1958 — Scope of the directive — Material intended primarily for military use — Turntable equipment for electromagnetic measurements

Operative part of the judgment

Article 10 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, read in conjunction with Article 296(1)(b) EC, must be interpreted as authorising a Member State to set aside the procedures laid down by that directive in the case of a public contract awarded by a contracting authority in the field of defence for the acquisition of material which, although intended for specifically military purposes, also presents possibilities for essentially identical civilian applications only if that material, by virtue of its intrinsic characteristics, may be regarded as having been specially designed and developed, also as a result of substantial modifications, for such purposes, this being a matter for the referring court to determine.

⁽¹⁾ OJ C 72, 5.3.2011.

**Judgment of the Court (Eighth Chamber) of 7 June 2012
(reference for a preliminary ruling from the Administrativen sad Sofia-grad — Bulgaria) — Anton
Vinkov v Nachalnik Administrativno-nakazatelna deynost**

(Case C-27/11) ⁽¹⁾

(Reference for a preliminary ruling — Non-recognition in national law of the right to a judicial remedy in respect of decisions imposing a financial penalty and the deduction of points for certain breaches of road traffic regulations — Purely internal situation — Inadmissibility of the reference)

(2012/C 217/05)

Language of the case: Bulgarian

Referring court

Administrativen sad Sofia-grad

Parties to the main proceedings

Applicant: Anton Vinkov

Defendant: Nachalnik Administrativno-nakazatelna deynost

Re:

Reference for a preliminary ruling — Administrativen sad Sofia-grad — Interpretation of Article 82(1)(a) TFEU and Article 91(1)(c) TFEU and Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ 2005 L 76, p. 16) — Interpretation of Articles 47, 48 and 52 of the Charter of Fundamental Rights of the European Union — Compatibility with EU law of national rules excluding the right to bring an action before a court challenging decisions relating to financial penalties following administrative offences in road traffic cases amounting to BGN 50

Operative part of the judgment

The reference for a preliminary ruling from the Administrativen sad Sofia-grad (Bulgaria), made by decision of 27 December 2010 (Case C-27/11), is inadmissible.

⁽¹⁾ OJ C 145, 14.5.2011.

Judgment of the Court (Third Chamber) of 7 June 2012 (reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — VBV — Vorsorgekasse AG v Finanzmarktaufsichtsbehörde (FMA)

(Case C-39/11) ⁽¹⁾

(Free movement of capital — Articles 63 TFEU and 65 TFEU — Severance funds — Investment of assets — Investment funds established in another Member State — Investment in such funds permitted only when they are authorised to market their units within the national territory)

(2012/C 217/06)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: VBV — Vorsorgekasse AG

Defendant: Finanzmarktaufsichtsbehörde (FMA)

Re:

Reference for a preliminary ruling — Verwaltungsgerichtshof — Interpretation of Article 63 et seq. TFEU — Free movement of capital — Severance funds investing mandatory contributions in respect of employed and self-employed persons aimed to

finance severance sums — Legislation of a Member State restricting those investments to funds which have been authorised to be sold in that national territory

Operative part of the judgment

Article 63(1) TFEU must be interpreted as precluding national legislation which does not permit a severance fund, or the undertaking for collective investment created by that severance fund to manage its assets, to invest those assets in units of an investment fund established in another Member State unless that investment fund has been authorised to market its units within the national territory.

⁽¹⁾ OJ C 130, 30.4.2011.

Judgment of the Court (Eighth Chamber) of 7 June 2012 (reference for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — M.J. Bakker v Minister van Financiën

(Case C-106/11) ⁽¹⁾

(Social security for migrant workers — Legislation applicable — Worker holding Netherlands nationality working, for an employer established in the Netherlands, on board dredgers flying the Netherlands flag which operate outside the territory of the European Union — Residence in the territory of another Member State — Affiliation to the Netherlands social security system)

(2012/C 217/07)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: M.J. Bakker

Defendant: Minister van Financiën

Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Articles 1(a), 2 and 13(2)(c) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ, English special edition, 1971(II), p. 416) — Worker with Netherlands nationality working on dredgers sailing outside the territory of the European Union under the Netherlands flag for an employer established in the Netherlands — Worker residing on the territory of another Member State — No affiliation to the Netherlands social security scheme