

Council of 6 May 2009 on the contained use of genetically modified micro-organisms, the Republic of Poland has failed to fulfil its obligations under that directive;

2. Dismisses the action as to the remainder;
3. Orders the European Commission and the Republic of Poland to bear their own costs.

(<sup>1</sup>) OJ C 252, 27.8.2011.

**Judgment of the Court (Second Chamber) of 19 December 2013 (request for a preliminary ruling from the High Court of Justice, Queen's Bench Division (Administrative Court) — United Kingdom) — The Queen, Fruition Po Ltd v Minister for Sustainable Farming and Food and Animal Health**

(Case C-500/11) (<sup>1</sup>)

*(Reference for a preliminary ruling — Regulation (EC) No 2200/96 — Regulation (EC) No 1432/2003 — Agriculture — Common organisation of markets — Fruit and vegetables — Producer organisations — Conditions for recognition by national authorities — Provision of technical resources required for storage, packing and marketing of produce — Whether organisation obliged, in the event of delegation of its tasks to third party companies, to exercise control over those companies)*

(2014/C 52/08)

Language of the case: English

**Referring court**

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

**Parties to the main proceedings**

*Applicant:* The Queen, Fruition Po Ltd

*Defendant:* Minister for Sustainable Farming and Food and Animal Health

**Re:**

Request for a preliminary ruling — High Court of Justice Queen's Bench Division (Administrative Court) — Interpretation of Article 11 of Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables (OJ L 297, p. 1) and of Article 6(2) of Commission Regulation (EC) No 1432/2003 of 11 August 2003 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 regarding the conditions for recognition of producer organisations and preliminary recognition of producer groups (OJ L 203, p. 18) — Conditions for recognition by national authorities — Provision of the technical means necessary for storing, packaging and marketing produce — Whether the organisation is obliged, in cases of substantial delegation of duties to third party companies, to exercise control over those companies.

**Operative part of the judgment**

Article 11 of Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables, as amended by Council Regulation (EC) No 2699/2000 of 4 December 2000, must be interpreted as meaning that in order that a producer organisation which has entrusted to a third party the carrying out of the activities which are essential to its recognition under that provision can meet the conditions for recognition laid down therein, it is obliged to enter into a contractual agreement enabling it to continue to be responsible for the carrying out of those activities and for control of their overall management, in such a way that that organisation retains, ultimately, the power of control and, when necessary, the power to take timely action as regards those activities being carried out for the entire duration of the agreement. It is for the competent national court or tribunal to determine, in each case and taking into account all the relevant circumstances, including the nature and extent of the outsourced activities, whether the producer organisation concerned has retained such control.

(<sup>1</sup>) OJ C 370, 17.12.2011.

**Judgment of the Court (First Chamber) of 19 December 2013 (request for a preliminary ruling from the Tribunal de commerce, Verviers — Belgium) — Corman-Collins SA v La Maison du Whisky SA**

(Case C-9/12) (<sup>1</sup>)

*(Jurisdiction in civil and commercial matters — Regulation (EC) No 44/2001 — Article 2 — Article 5(1)(a) and (b) — Special jurisdiction in matters relating to contract — Concepts of 'sale of goods' and 'supply of services' — Agreement for the distribution of goods)*

(2014/C 52/09)

Language of the case: French

**Referring court**

Tribunal de commerce, Verviers

**Parties to the main proceedings**

*Applicant:* Corman-Collins SA

*Defendant:* La Maison du Whisky SA

**Re:**

Request for a preliminary ruling — Tribunal de commerce de Verviers — Interpretation of Articles 2 and 5(1)(a) and (b) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Exclusive distribution of goods agreement concluded between a grantor of the exclusive distribution rights established in France and an exclusive distributor established in Belgium — Permissibility of a national law providing for the jurisdiction of