

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Reference for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 24 December 2010 — Südzucker AG v Hauptzollamt Hamburg-Jonas**

(Case C-608/10)

(2011/C 113/02)

*Language of the case: German***Referring court**

Finanzgericht Hamburg

**Parties to the main proceedings**

Applicant: Südzucker AG

Defendant: Hauptzollamt Hamburg-Jonas

**Questions referred**

1. Is the holder of an export licence entitled to an export refund (Article 5(7) of Regulation No 800/1999)<sup>(1)</sup> only if he is registered as exporter in box 2 of the export declaration lodged with the competent customs office?
2. If the answer to the first question is in the affirmative: Does Article 78(1) and (3) of the Customs Code<sup>(2)</sup> allow post-clearance revision of the export declaration in order to change the exporter in box 2 of the export declaration, and are the customs authorities obliged in a case such as that in the main proceedings to regularise the situation and to grant the export refund?
3. If the answer to the second question is in the affirmative: Can the customs authorities directly regularise the situation described in Article 78(3) of the Customs Code in such a

way that the exporter can be granted the export refund, without the need for prior correction of the export declaration?

<sup>(1)</sup> Commission Regulation (EC) No 800/1999 of 15 April 1999 laying down common detailed rules for the application of the system of export refunds on agricultural products, OJ 1999 L 102, p. 11.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, OJ 1992 L 302, p. 1.

**Reference for a preliminary ruling from the Oberlandesgericht Oldenburg (Germany) lodged on 6 January 2011 — Johann Bilker and Others v EWE AG**

(Case C-8/11)

(2011/C 113/03)

*Language of the case: German***Referring court**

Oberlandesgericht Oldenburg

**Parties to the main proceedings**

Appellants: Johann Bilker and Others

Respondent: EWE AG

**Questions referred**

1. Is Article 1(2) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts<sup>(1)</sup> to be interpreted as meaning that statutory or regulatory provisions are not subject to the provisions of that directive even in the case where a seller or supplier refers in his contractual terms and conditions to statutory or regulatory provisions which were adopted in respect of a different consumer group and a different type of contract? If the directive is not applicable, does that exclusion of its application also extend to the requirement of plainness and intelligibility contained in Article 5?

2. Are the first sentence of Article 5 of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts and the fourth sentence of Article 3(3) of Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003<sup>(2)</sup> concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC to be interpreted as meaning that there is no 'plain and intelligible term' or that 'high levels of consumer protection, particularly with respect to transparency regarding general contractual terms and conditions' are not ensured if a seller or supplier seeks to justify a unilateral right to vary prices with the argument that he refers globally, in his general terms and conditions, to a national regulation which was adopted in respect of a different consumer group and a different type of contract and in which, moreover, the provision relevant to the right to vary prices does not satisfy the requirement of transparency?

<sup>(1)</sup> OJ 1993 L 95, p. 29.

<sup>(2)</sup> Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ 2003 L 176, p. 57).

**Reference for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 12 January 2011 — Leopold Sommer v Landesgeschäftsstelle des Arbeitsmarktservice Wien**

(Case C-15/11)

(2011/C 113/04)

*Language of the case: German*

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Applicant:* Leopold Sommer

*Defendant:* Landesgeschäftsstelle des Arbeitsmarktservice Wien

**Questions referred**

1. Is Council Directive 2004/114/EC<sup>(1)</sup> of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service ('the Student Directive') applicable in Austria to a Bulgarian student having regard to the first or third paragraphs of point 14 of section 1 (Freedom of movement for persons) of Annex VI to the Accession Treaty for Bulgaria, List referred to in Article 20 of the Protocol<sup>(2)</sup>: transitional measures, Bulgaria?

2. If Question 1 is answered in the affirmative: Does Union law, in particular Article 17 of the Student Directive, preclude a national rule which, like the provisions of the *Ausländerbeschäftigungsgesetz* which are relevant in the main proceedings, provides in all cases for an examination of the situation of the labour market prior to the grant of a work permit for an employer to employ a student who has already resided in Austria for more than one year (Article 17(3) of the Student Directive) and additionally makes the grant of a work permit subject to further conditions if the fixed maximum number of foreign nationals employed has been exceeded.

<sup>(1)</sup> OJ 2004 L 375, p. 12.

<sup>(2)</sup> Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union — Annex VI: List referred to in Article 20 of the Protocol: transitional measures, Bulgaria — 2. Freedom of movement for persons; (OJ 2005 L 157, p. 104).

**Reference for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 14 January 2011 — Markus Geltl v Daimler AG**

(Case C-19/11)

(2011/C 113/05)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Applicant:* Markus Geltl

*Defendant:* Daimler AG

**Questions referred**

1. For the purposes of applying Article 1(1) of Directive 2003/6/EC<sup>(1)</sup> and Article 1(1) of Directive 2003/124/EC,<sup>(2)</sup> is account to be taken, in the case of a protracted process intended, over the course of a number of intermediate steps, to bring about a particular circumstance or to generate a particular event, only of whether that future circumstance or future event is to be regarded as precise information within the meaning of those provisions of the directive, meaning that it must be examined whether that future circumstance or future event may reasonably be expected to occur, or, in the case of a protracted process of this kind, can intermediate steps which already exist or have already occurred and which are connected with bringing about the future circumstance or event also constitute precise information within the meaning of the aforementioned provisions of the directive?