

2. If the first question referred for a preliminary ruling is answered in the negative, should Article 8 of Directive 98/34/EC^(?) of the European Parliament and of the Council (of 22 June 1998) 'laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services', notwithstanding Article 10(1), first indent, of the same Directive, be interpreted as imposing an obligation that the Commission be notified of a draft standard on the basis of which every registered petroleum company which releases petrol products and/or diesel products for consumption is also obliged in the same calendar year to make available for consumption a quantity of sustainable biofuels, namely bio-ethanol, pure or in the form of bio-ETBE, amounting to at least 4 % vol/vol of the quantity of petrol products released for consumption, and FAME amounting to at least 4 % vol/vol of the quantity of diesel products released for consumption?

⁽¹⁾ OJ 1998 L 350, p. 58

⁽²⁾ OJ 1998 L 204, p. 37

Reference for a preliminary ruling from the Tribunalul Suceava (Romania) lodged on 17 January 2011 — Aurora Elena Sfichi v Direcția Generală a Finanțelor Publice Suceava — Administrația Finanțelor Publice Suceava, Administrația Fondului Pentru Mediu

(Case C-29/11)

(2011/C 113/08)

Language of the case: Romanian

Referring court

Tribunalul Suceava

Parties to the main proceedings

Applicant: Aurora Elena Sfichi

Defendants: Direcția Generală a Finanțelor Publice Suceava — Administrația Finanțelor Publice Suceava, Administrația Fondului Pentru Mediu

Questions referred

1. Does the first paragraph of Article 110 of the Treaty on the Functioning of the European Union (formerly Article 90 of the Treaty establishing the European Community), under which no Member State may impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products, preclude a Member State from introducing a tax with the characteristics of the pollution tax governed by Government Emergency Order No 50/2008, as subsequently amended and supplemented, which is levied upon the first registration in Romania of second-hand imported motor vehicles which have previously been registered in other Member States, account being taken of the fact that that tax is not applied to second-hand motor vehicles registered in Romania where

they are the object of certain transactions and are re-registered?

2. Does the second paragraph of Article 110 of the Treaty on the Functioning of the European Union (formerly Article 90 of the Treaty establishing the European Community), which is intended to eliminate factors liable to protect the national market and to breach the principles of competition, preclude the establishment of a pollution tax for motor vehicles which is levied upon the first registration in Romania of second-hand imported motor vehicles which have previously been registered in other Member States, account being taken of the fact that exemption from payment of the pollution tax was granted under Government Emergency Order No 218/2008 for motor vehicles in category M1 and pollution class Euro 4, with a cylinder capacity of not more than 2 000 cc, and all motor vehicles in category N1 and pollution class Euro 4, which were registered for the first time in Romania or in another Member State of the European Union between 15 December 2008 and 31 December 2009 inclusive, that is to say, for the category of motor vehicle which possesses the technical characteristics of the motor vehicles manufactured in Romania, thus favouring the domestic motor vehicle manufacturing industry?

Reference for a preliminary ruling from the Tribunalul Suceava (Romania) lodged on 17 January 2011 — Adrian Ilaș v Direcția Generală a Finanțelor Publice Suceava — Administrația Finanțelor Publice Suceava, Administrația Fondului pentru Mediu

(Case C-30/11)

(2011/C 113/09)

Language of the case: Romanian

Referring court

Tribunalul Suceava

Parties to the main proceedings

Applicant: Adrian Ilaș

Defendants: Direcția Generală a Finanțelor Publice Suceava — Administrația Finanțelor Publice Suceava, Administrația Fondului pentru Mediu

Questions referred

1. Does the first paragraph of Article 110 of the Treaty on the Functioning of the European Union (formerly Article 90 of the Treaty establishing the European Community), under which no Member State may impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products, preclude a Member State from introducing a tax with the characteristics of the pollution tax governed by Government Emergency Order No 50/2008, as subsequently amended and supplemented, which is levied upon the first registration in Romania of second-hand imported motor vehicles which have