

3. According to the applicable Community law, may an individual whose rights have been prejudiced as a result of the fact that Directive 72/166/EEC has not been implemented claim compensation for damage from the State responsible for that failure to implement?
4. If the previous question is answered in the affirmative, does the Hungarian State have a responsibility to pay compensation for damage both to the applicants and to those injured in road traffic accidents caused by the applicants?

The relevant wording of the Directive is as follows: 'Member States shall take the necessary steps to ensure that all compulsory insurance policies against civil liability arising out of the use of vehicles cover, on the basis of a single premium and during the whole term of the contract, the entire territory of the Community [as regards the damage caused]'

5. Can the State be held responsible if a drafting error in the legislation caused the damage?
6. Is Government Decree No 190/2004 of 8 June on compulsory insurance against civil liability in respect of the use of motor vehicles (190/2004. (VI.8) Korm. rendelet a gépjármű üzemeltetőjének kötelező felelősségbiztosításáról), in force until 1 January 2010, compatible with the content of Council Directive 72/166/EEC, or has Hungary failed to transpose into Hungarian law the obligations laid down in that Directive?

⁽¹⁾ Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability (OJ, English Special Edition: Series I Chapter 1972(II) p. 360).

Reference for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 26 August 2011 — Lagura Vermögensverwaltungs GmbH v Hauptzollamt Hamburg-Hafen

(Case C-438/11)

(2011/C 347/12)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Lagura Vermögensverwaltungs GmbH

Defendant: Hauptzollamt Hamburg-Hafen

Question referred

In the circumstances of the main proceedings, in which the authority of the third country can no longer verify whether the certificate issued by it is based on a correct account of the facts, is the person liable for payment to be denied the protection of legitimate expectations provided for in the second and third subparagraphs of Article 220(2)(b) of the Community Customs Code⁽¹⁾ where the circumstances on account of which it is impossible to clarify whether the content of the certificate of origin is correct fall within the sphere of control of the exporter, or is the transfer of the burden of proof, in the context of the third subparagraph of Article 220(2)(b) of the Customs Code, from the customs authority to the person liable for payment subject only, or rather, to the condition that clarification is impossible because it is outside the control of the authority in the exporting country or caused by the negligence of the exporter alone?

⁽¹⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) in the version as amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000 (OJ 2000 L 311, p. 17).

Appeal brought on 25 August 2011 by Ziegler SA against the judgment of the General Court (Eighth Chamber) delivered on 16 June 2011 in Case T-199/08 Ziegler v Commission

(Case C-439/11 P)

(2011/C 347/13)

Language of the case: French

Parties

Appellant: Ziegler SA (represented by: J.-F. Bellis, M. Favart, A. Bailleux, avocats)

Other party to the proceedings: European Commission

Form of order sought

— declare that the present appeal is admissible and well-founded;

— set aside the judgment of the General Court of 16 June 2011 in Case T-199/08 *Ziegler v Commission*, and give final judgment itself on the subject-matter of the dispute;

— grant the form of order sought at first instance, and, therefore, annul Commission Decision C(2008) 926 final of 11 March 2008, relating to a proceeding under Article 81 EC and Article 53 of the EEA Agreement in Case COMP/38.543 — International removal services market, or, in the alternative, cancel the fine imposed on the appellant in that decision, or, in the further alternative, substantially reduce that fine;