

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.

(¹) 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) (¹)

(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.

(¹) 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) (¹)

(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

the courts of the exclusive distributor, irrespective of where the grantor of the exclusive distribution rights has its registered office.

Operative part of the judgment

1. Article 2 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 must be interpreted as meaning that, where the defendant is domiciled in a Member State other than that in which the court seised is situated, it precludes the application of a national rule of jurisdiction such as that provided for in Article 4 of Law of 27 July 1961 on Unilateral Termination of Exclusive Distribution Agreements of Indefinite Duration, as amended by the Law of 13 April 1971 on Unilateral termination of distribution agreements.
2. Article 5(1)(b) of Regulation No 44/2001 must be interpreted as meaning that the rule of jurisdiction laid down in the second indent of that provision for disputes relating to contracts for the supply of services is applicable in the case of a legal action by which a plaintiff established in one Member State claims, against a defendant established in another Member State, rights arising from an exclusive distribution agreement, which requires the contract binding the parties to contain specific terms concerning the distribution by the distributor of goods sold by the grantor. It is for the national court to ascertain whether that is the case in the before it.

(¹) OJ C 73, 10.3.2012.

Judgment of the Court (Second Chamber) of 19 December 2013 — Transnational Company ‘Kazchrome’ AO, ENRC Marketing AG v Council of the European Union, European Commission, Euroalliages

(Case C-10/12 P) (¹)

(Appeal — Dumping — Regulation (EC) No 172/2008 — Imports of ferro-silicon originating in China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia — Partial interim review — Regulation (EC) No 384/96 — Article 3(7) — Known factors — Injury to European Union industry — Causal link)

(2014/C 52/10)

Language of the case: English

Parties

Appellants: Transnational Company ‘Kazchrome’ AO, ENRC Marketing AG (represented by: A. Willems and S. De Knop, avocats)

Other party to the proceedings: Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrish, Rechtsanwalt)

Interveners in support of the defendant: European Commission (represented by: H. van Vliet and S. Thomas, acting as Agents), Euroalliages (represented by: J. Bourgeois, Y. van Gerven and N. McNelis, avocats)

Re:

Appeal brought against the judgment of the General Court (Second Chamber) of 25 October 2011 in Case T-192/08 *Transnational Company ‘Kazchrome’ and ENRC Marketing v Council*, by which the General Court dismissed an action seeking partial annulment of Council Regulation (EC) No 172/2008 of 25 February 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duties imposed on imports of ferro-silicon originating in the People’s Republic of China, Egypt, Kazakhstan, the former Yugoslav Republic of Macedonia and Russia (OJ 2008 L 55, p. 6).

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Transnational Company ‘Kazchrome’ AO and ENRC Marketing AG to pay the costs of the present proceedings;
3. Orders the European Commission to bear its own costs;
4. Orders Euroalliages to bear its own costs.

(¹) OJ C 65, 3.3.2012.

Judgment of the Court (Grand Chamber) of 19 December 2013 (request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany)) — Rahmanian Koushaki v Bundesrepublik Deutschland

(Case C-84/12) (¹)

(Area of freedom, security and justice — Regulation (EC) No 810/2009 — Articles 21(1), 32(1) and 35(6) — Procedures and conditions for issuing uniform visas — Obligation to issue a visa — Assessment of the risk of illegal immigration — Intention of the applicant to leave the territory of the Member States before the expiry of the visa applied for — Reasonable doubt — Discretion of the competent authorities)

(2014/C 52/11)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: Rahmanian Koushaki