

Judgment of the Court (First Chamber) of 17 January 2013 (request for a preliminary ruling from the Conseil d'État — France) — Société Geodis Calberson GE v Établissement national des produits de l'agriculture et de la mer (FranceAgriMer)

(Case C-623/11) ⁽¹⁾

(Agriculture — Food aid — Regulation (EC) No 111/1999 — Programme to supply agricultural products to the Russian Federation — Successful tenderer for a contract for the transport of beef — Conferring of jurisdiction — Arbitration clause)

(2013/C 63/08)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Société Geodis Calberson GE

Defendant: Établissement national des produits de l'agriculture et de la mer (FranceAgriMer)

Re:

Request for a preliminary ruling — Conseil d'Etat — Interpretation of Article 16 of Commission Regulation (EC) No 111/1999 of 18 January 1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation (OJ 1999 L 14, p. 3) — Conferring of jurisdiction in a dispute between the successful tenderer for a contract for transporting beef and the national competent intervention agency concerning the payment procedure and compensation for damage suffered — Arbitration clause

Operative part of the judgment

Article 16 of Commission Regulation (EC) No 111/1999 of 18 January 1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation, as amended by Commission Regulation (EC) No 1125/1999 of 28 May 1999, must be interpreted as conferring on the Court of Justice of the European Union jurisdiction to rule on disputes relating to the conditions under which the intervention agency designated to receive the tenders submitted during a tendering procedure for the free supply of agricultural products to the Russian Federation makes the payment owed to the successful tenderer and releases the supply security lodged by that tenderer in favour of that agency, in particular actions for compensation in respect of damage suffered as a result of misconduct by the intervention agency while carrying out those transactions..

⁽¹⁾ OJ C 39, 11.2.2012.

Judgment of the Court (Fifth Chamber) of 17 January 2013 (request for a preliminary ruling from the Augstākās tiesas Senāts — Latvia) — proceedings brought by Mohamad Zakaria

(Case C-23/12) ⁽¹⁾

(Regulation (EC) No 562/2006 — Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) — Alleged violation of the right to respect for human dignity — Effective judicial protection — Right of access to a court)

(2013/C 63/09)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāts

Party to the main proceedings

proceedings brought by Mohamad Zakaria

Re:

Request for a preliminary ruling — Augstākās tiesas Senāts — Interpretation of Article 13(3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ 2006 L 105, p. 1) — Right of appeal of third country nationals in relation to a refusal of entry — Action seeking to have declared unlawful the conduct of border officials during the procedure to authorise the crossing of an external border — Compensation for the non-material harm incurred as a result of such unlawful conduct

Operative part of the judgment

Article 13(3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) obliges Member States to establish a means of obtaining redress only against decisions to refuse entry.

⁽¹⁾ OJ C 80, 17.3.2012.

Request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany), lodged on 13 November 2012 — Aslihan Nazli Ayalti v Federal Republic of Germany

(Case C-513/12)

(2013/C 63/10)

Language of the case: German

Referring court

Verwaltungsgericht Berlin