

Judgment of the Court (Fifth Chamber) of 18 September 2014 (request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo — Spain) — Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia

(Case C-487/12) ⁽¹⁾

(Reference for a preliminary ruling — Air Transport — Common rules for the operation of air services in the European Union — Regulation (EC) No 1008/2008 — Pricing freedom — Checking in baggage — Price supplement — Concept of ‘air fares’ — Consumer protection — Imposition of a fine on an air carrier for an unfair contract term — National law requiring the carriage of passenger and checked-in baggage to be included in the base price of a plane ticket — Whether compatible with EU law)

(2014/C 421/06)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo

Parties to the main proceedings

Applicant: Vueling Airlines SA

Defendant: Instituto Galego de Consumo de la Xunta de Galicia

Operative part of the judgment

Article 22(1) of Regulation No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community must be interpreted as precluding a national law, such as that at issue in the main proceedings, that requires air carriers to carry, in all circumstances, not only the passenger, but also baggage checked in by him, provided that the baggage complies with certain requirements as regards, in particular, its weight, for the price of the plane ticket and without it being possible to charge any price supplement to carry such baggage.

⁽¹⁾ OJ C 26, 26.1.2013.

Judgment of the Court (Fourth Chamber) of 17 September 2014 (request for a preliminary ruling from the Tartu Ringkonnakohus — Estonia) — Liivimaa Lihaveis MTÜ v Eesti-Läti programmi 2007-2013 Seirekomitee

(Case C-562/12) ⁽¹⁾

(Reference for a preliminary ruling — Structural funds — Regulations (EC) No 1083/2006 and No 1080/2006 — European Regional Development Fund (ERDF) — Operational programme aiming to promote European territorial cooperation between the Republic of Estonia and the Republic of Latvia — Decision of the monitoring committee rejecting a subsidy — Provision that the decisions of that committee cannot be subject to legal review — Article 267 TFEU — Act adopted by an institution, organ or body of the European Union — Charter of Fundamental Rights of the European Union — Implementation of EU law — Article 47 — Right to effective judicial protection — Right of access to the courts — Determination of which Member State’s courts have jurisdiction to rule on an action)

(2014/C 421/07)

Language of the case: Estonian

Referring court

Tartu Ringkonnakohus

Parties to the main proceedings

Appellant: Liivimaa Lihaveis MTÜ

Respondent: Eesti-Läti programmi 2007-2013 Seirekomitee

Intervening party: Eesti Vabariigi Siseministeerium

Operative part of the judgment

- 1) Article 263 TFEU must be interpreted as meaning that, in the context of an operational programme under Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, and Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 and intended to promote European territorial cooperation, an action against a decision of a monitoring committee rejecting an application for aid does not fall within the jurisdiction of the General Court of the European Union.
- 2) Point (b) of the first paragraph of Article 267 TFEU must be interpreted as meaning that a programme manual adopted by a monitoring committee in the context of an operational programme under Regulations No 1083/2006 and No 1080/2006 and intended to promote European territorial cooperation between two Member States, such as that at issue in the main proceedings, does not constitute an act of an institution, body, office or agency of the European Union and, in consequence, the Court of Justice of the European Union does not have jurisdiction to review the validity of the provisions of such a manual.
- 3) Regulation No 1083/2006, read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding a provision of a programme manual adopted by a monitoring committee in the context of an operational programme established by two Member States and intended to promote European territorial cooperation, where that provision does not provide that a decision of the monitoring committee rejecting an application for aid can be subject to appeal before a court of a Member State.

⁽¹⁾ OJ C 38, 9.2.2013.

Judgment of the Court (Third Chamber) of 17 September 2014 (reference for a preliminary ruling from the Tartu Ringkonnakohus, Estonia) — AS Baltic Agro v Maksu- ja Tolliameti Ida maksu- ja tollikeskus

(Case C-3/13) ⁽¹⁾

(Reference for a preliminary ruling — Dumping — Regulation (EC) No 661/2008 — Definitive anti-dumping duty on imports of ammonium nitrate originating in Russia — Conditions for exemption — Article 3(1) — First independent customer in the European Union — Acquisition of ammonium nitrate fertiliser through another company — Release of the goods — Application for invalidation of the customs declaration — Decision 2008/577/EC — Customs Code — Articles 66 and 220 — Error — Regulation (EEC) No 2454/93 — Article 251 — Post-release verification)

(2014/C 421/08)

Language of the case: Estonian

Referring court

Tartu Ringkonnakohus

Parties to the main proceedings

Applicant: AS Baltic Agro

Defendant: Maksu- ja Tolliameti Ida maksu- ja tollikeskus