

**Reference for a preliminary ruling from the
Verwaltungsgericht Gelsenkirchen (Germany) lodged on
12 June 2012 — Michael Schwarz v Stadt Bochum**

(Case C-291/12)

(2012/C 273/06)

Language of the case: German

Referring court

Verwaltungsgericht Gelsenkirchen

Parties to the main proceedings

Applicant: Michael Schwarz

Defendant: Stadt Bochum

Question referred

Is Article 1(2) of Council Regulation (EC) No 2252/2004 ⁽¹⁾ of 13 December 2004, as amended by Regulation (EC) No 444/2009 ⁽²⁾ of the European Parliament and of the Council of 6 May 2009, valid?

⁽¹⁾ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1).

⁽²⁾ Regulation (EC) No 444/2009 of the European Parliament and of the Council of 6 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2009 L 142, p. 1; corrected version: OJ 2009 L 188, p. 127).

**Action brought on 14 June 2012 — European Commission
v Kingdom of Belgium**

(Case C-296/12)

(2012/C 273/07)

Language of the case: Dutch

Parties

Applicant: European Commission (represented by: R. Lyal and W. Roels, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

— Declare that, by approving and maintaining in force tax relief on pension savings in so far as this applies only to payments to Belgian institutions and Belgian funds, the Kingdom of Belgium has failed to fulfil its obligations under the Treaty on the Functioning of the European Union, and in particular Articles 56 and 63 thereof;

— order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The Commission takes the view that the failure to grant tax relief for payments to institutions which are established in another Member State, while tax relief is available for payments to institutions established in Belgium, constitutes an impediment to the free movement of services both for recipients of those services and for providers which are not established in Belgium.

Likewise the Commission takes the view that the failure to grant tax relief for deposits in individual or collective accounts or payments of premiums for life insurance contracts with and to institutions established in another Member State, while tax relief is available for similar deposits with and payments to institutions established in Belgium, constitutes an impediment to the free movement of capital in the sense that Belgian depositors and policyholders are discouraged from holding deposits or taking out life insurance with an institution that is not established in Belgium because those deposits or life insurance contracts do not attract tax relief and are consequently less advantageous.

Those impediments are, according to the Commission, not justified on any grounds.

**Reference for a preliminary ruling from the Conseil d'État
(France), lodged on 18 June 2012 — Confédération
paysanne v Ministre de l'alimentation, de l'agriculture et
de la pêche**

(Case C-298/12)

(2012/C 273/08)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Confédération paysanne

Defendant: Ministre de l'alimentation, de l'agriculture et de la pêche

Questions referred

1. Do paragraphs 1 and 5 of Article 40 of Council Regulation (EC) No 1782/2003 of 29 September 2003, ⁽¹⁾ regard being had to their wording, but also to their purpose, authorise Member States to base the right to revalorisation of the reference amount for farmers whose production has been

seriously affected by reason of agri-environmental commitments to which they have been subject, for all or part of the reference period, on a comparison between the amounts of the direct payments received during the years affected by such commitments and those received during years which were not affected by such commitments?

2. Do paragraphs 2 and 5 of Article 40 of Council Regulation (EC) No 1782/2003 of 29 September 2003 authorise Member States to base the right to revalorisation of the reference amount for farmers whose production has been seriously affected by reason of agri-environmental commitments to which they have been subject, during the entire reference period, on a comparison between the amount of direct payments received during the last year not affected by an agri-environmental commitment, including cases in which that year is eight years prior to the reference period, and the annual average amount of direct payments received during the reference period?

(¹) Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ 2003 L 270, p. 1).

Reference for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 18 June 2012 — GREEN — SWAN PHARMACEUTICALS CR, a.s. v Státní zemědělská a potravinářská inspekce

(Case C-299/12)

(2012/C 273/09)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: GREEN — SWAN PHARMACEUTICALS CR, a. s.

Defendant: Státní zemědělská a potravinářská inspekce (The Czech Agricultural and Food Inspection Authority)

Questions referred

1. Is the following health claim: 'The preparation also contains calcium and Vitamin D3, which help to reduce a risk factor in the development of osteoporosis and fractures', a reduction of disease risk claim within the meaning of Article 2(2)(6) of Regulation (EC) No 1924/2006 (¹) of 20 December 2006 on

nutrition and health claims made on foods, as amended by Commission Regulation (EU) No 116/2010 (²) of 9 February 2010, even though it is not expressly implied in this claim that the consumption of that preparation would significantly reduce a risk factor in the development of disease mentioned?

2. Does the concept of a trade mark or brand name within the meaning of Article 28(2) of Regulation (EC) No 1924/2006 of 20 December 2006 on nutrition and health claims made on foods, as amended by Commission Regulation (EU) No 116/2010 of 9 February 2010, also include a commercial communication on the packaging of the product?
3. Should the transitional provision in Article 28(2) of Regulation (EC) No 1924/2006 of 20 December 2006 on nutrition and health claims made on foods, as amended by Commission Regulation (EU) No 116/2010 of 9 February 2010, be interpreted to refer to (any) foods which existed prior to 1 January 2005, or to refer to foods to which a trade mark or brand name was affixed and which existed in that form before that date?

(¹) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods; OJ 2006 L 404, p. 9.

(²) Commission Regulation (EU) No 116/2010 of 9 February 2010 amending Regulation (EC) No 1924/2006 of the European Parliament and of the Council with regard to the list of nutrition claims (Text with EEA relevance); OJ 2010 L 37, p. 16.

Action brought on 26 June 2012 — European Commission v Slovak Republic

(Case C-305/12)

(2012/C 273/10)

Language of the case: Slovak

Parties

Applicant: European Commission (represented by P. Hetsch, D. Düsterhaus and A. Tokár, acting as Agents)

Defendant: Slovak Republic

Forms of order sought

- declare that, by failing to adopt the legislative, regulatory and administrative provisions necessary to bring its domestic law into conformity with Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, (¹) or in any event by failing to notify the Commission of such measures, the Slovak Republic has failed to fulfil its obligations under Article 40 of that directive;