

Request for a preliminary ruling from the Tartu Ringkonnakohus (Estonia) lodged on 3 January 2013 — AS Baltic Agro v Maksu-ja Tolliameti Ida maksu-ja tollikeskus

(Case C-3/13)

(2013/C 63/23)

Language of the case: Estonian

Referring court

Tartu Ringkonnakohus

Parties to the main proceedings

Applicant and appellant: AS Baltic Agro

Defendant and respondent: Maksu-ja Tolliameti Ida maksu- ja tollikeskus

Questions referred

- (a) Is Article 3(1) of Council Regulation (EC) No 661/2008 ⁽¹⁾ to be interpreted as meaning that the importer and the first independent customer in the Community must always be one and the same person?
- (b) Is Article 3(1) of Council Regulation (EC) No 661/2008, in conjunction with Commission Decision 2008/577/EC, ⁽²⁾ to be interpreted as meaning that exemption from anti-dumping duty applies only to such first independent customer in the Community as has not resold the goods to be declared prior to making the declaration?
- (c) Is Article 66 of the Community Customs Code established by Council Regulation (EEC) No 2913/92, ⁽³⁾ in conjunction with Article 251 of Commission Regulation (EEC) No 2454/93 ⁽⁴⁾ and the other procedural rules relating to subsequent amendments to a customs declaration, to be interpreted as meaning that, where the wrong consignee is entered in a customs declaration on the importation of goods, it must be possible, upon an application being lodged, for the declaration to be invalidated and the consignee's details to be corrected even after the goods have been released if the customs duty exemption provided for in Article 3(1) of Council Regulation (EC) No 661/2008 ought to have applied if the correct consignee had been entered, or is Article 220(2)(b) of the Community Customs Code established by Council Regulation (EEC) No 2913/92 to be interpreted, in those circumstances, as meaning that the customs authorities are not entitled to make a subsequent entry in the accounts?
- (d) If both of the alternatives in Question (c) should be answered in the negative, is it then compatible with Article 20 of the Charter of Fundamental Rights of the European Union, in conjunction with Article 28(1) and

Article 31 of the Treaty on the Functioning of the European Union, if Article 66 of the Community Customs Code established by Council Regulation (EEC) No 2913/92, in conjunction with Article 251 of Commission Regulation (EEC) No 2454/93 and the other procedural rules relating to subsequent amendments to a customs declaration, does not permit a declaration to be invalidated and the consignee's details to be corrected, upon an application being lodged, after the goods have been released if the customs duty exemption provided for in Article 3(1) of Council Regulation (EC) No 661/2008 ought to have been applied if the correct consignee had been entered?

- ⁽¹⁾ Council Regulation (EC) No 661/2008 of 8 July 2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (OJ 2008 L 185, p. 1).
- ⁽²⁾ Commission Decision 2008/577/EC of 4 July 2008 accepting the undertakings offered in connection with the anti-dumping proceeding concerning imports of ammonium nitrate originating in Russia and Ukraine (OJ 2008 L 185, p. 43).
- ⁽³⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).
- ⁽⁴⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1).

Action brought on 7 January 2013 — European Commission v Republic of Slovenia

(Case C-8/13)

(2013/C 63/24)

Language of the case: Slovene

Parties

Applicant: European Commission (represented by D. Kukovec, P. Hetsch and O. Beynet, acting as Agents)

Defendant: Republic of Slovenia

Form of order sought

The applicant claims that the Court should:

- Declare that, by failing to adopt all the laws, regulations and administrative measures necessary to comply with Directive 2009/72/EC ⁽¹⁾ of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, ⁽²⁾ or in any case by failing to notify the Commission of such measures, the Republic of Slovenia has failed to fulfil its obligations under Article 49(1) of that directive;