

2. Orders the Republic of Poland to pay the costs.

⁽¹⁾ OJ C 45, 15.2.2014.

Judgment of the Court (First Chamber) of 18 December 2014 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-640/13) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Recovery of taxes unduly paid under EU law — National legislation — Retroactive curtailment of the limitation period for the applicable remedies — Principle of effectiveness — Principle of the protection of legitimate expectations)

(2015/C 065/22)

Language of the case: English

Parties

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

Defendant: United Kingdom of Great Britain and Northern Ireland (represented by: J. Beeko, Agent)

Operative part of the judgment

The Court:

1. Declares that by adopting a provision, such as section 107 of the Finance Act 2007, which curtailed, retroactively and without notice or transitional arrangements, the right of taxpayers to recover taxes levied in breach of EU law the United Kingdom of Great Britain and Northern Ireland has failed to comply with its obligations under Article 4(3) TEU;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

⁽¹⁾ OJ C 78, 15.3.2014.

Order of the Court of 11 December 2014 (request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Viseu — Portugal) — Agrocaramulo — Empreendimentos Agro-Pecuários do Caramulo SA v Instituto de Financiamento da Agricultura e Pescas, IP (IFAP)

(Case C-70/14) ⁽¹⁾

(Reference for a preliminary ruling — Regulation (EEC) No 3846/87 — Agriculture — Common organisation of the markets — Export refunds — Poultrymeat — ‘Cull hens’ — Agricultural product nomenclature for export refunds — Classification)

(2015/C 065/23)

Language of the case: Portuguese

Referring court

Tribunal Administrativo e Fiscal de Viseu

Parties to the main proceedings

Applicant: Agrocaramulo — Empreendimentos Agro-Pecuários do Caramulo SA

Defendant: Instituto de Financiamento da Agricultura e Pescas, IP (IFAP)

Operative part of the order

Annex I to Commission Regulation (EEC) No 3846/87 of 17 December 1987 establishing an agricultural product nomenclature for export refunds, as most recently amended by Commission Regulation (EC) No 2091/2005 of 15 December 2005, must be interpreted as meaning that laying hens put down at the end of their laying period, when their skeleton is completely ossified, known as 'cull hens', do not fall within the description 'others' under product headings 0207 12 10 9900 and 0207 12 90 9190 set out in that annex.

⁽¹⁾ OJ C 135, 5.5.2014.

Order of the Court (Fifth Chamber) of 11 December 2014 — Federación Nacional de Empresarios de Minas de Carbón (Carbunión) v Council of the European Union, European Commission

(Case C-99/14 P) ⁽¹⁾

(Appeals — State aid — Decision 2010/787/EU — Aid to facilitate the closure of uncompetitive coal mines — Conditions for considering that aid compatible with the internal market — Article 181 of the Rules of Procedure of the Court)

(2015/C 065/24)

Language of the case: English

Parties

Appellant: Federación Nacional de Empresarios de Minas de Carbón (Carbunión) (represented by: K. Desai, solicitor, and S. Cisnal de Ugarte, abogado)

Other parties to the proceedings: Council of the European Union (represented by: F. Florindo Gijón and P. Mahnič Bruni, acting as Agents), European Commission (represented by: L. Flynn, É. Gippini Fournier and C. Urraca Caviedes, acting as Agents)

Operative part of the order

The Court:

1. Dismisses the appeal;
2. Orders *La Federación Nacional de Empresarios de Minas de Carbón (Carbunión)* to pay the costs.

⁽¹⁾ OJ C 112, 14.4.2014.

Appeal brought on 30 July 2014 by *Compagnie des bateaux mouches SA* against the judgment of the General Court (Eighth Chamber) delivered on 21 May 2014 in Case T-553/12 *Compagnie des bateaux mouches SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*

(Case C-368/14 P)

(2015/C 065/25)

Language of the case: French

Parties

Appellant: *Compagnie des bateaux mouches SA* (represented by: E. Piwnica, lawyer)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

By order of the Court (Sixth Chamber) of 11 December 2014, the Court dismissed the appeal and ordered the *Compagnie des bateaux mouches SA* to bear its own costs.
