

Question referred

Are the provisions of the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons ⁽¹⁾ (BGBl. II 2001, 810 et seq.), which was adopted as a Law by the German Bundestag on 2 September 2001 (BGBl. II 2001, 810) and entered into force on 1 June 2002 ('the Agreement on the Free Movement of Persons'), in particular the preamble thereto, Articles 1, 2 and 21 thereof and Articles 7 and 9 of Annex I thereto, to be interpreted as meaning that a worker who has moved from Germany to Switzerland, who is not a Swiss national and who, since moving to Switzerland, has been a 'reverse frontier worker' within the meaning of Article 15a(1) of the DBA-Schweiz 1971/2002 (Swiss-German Double Taxation Agreement) cannot be made subject to tax by Germany pursuant to Article 4(4), in conjunction with the fourth sentence of Article 15a(1), of the DBA-Schweiz 1971/2002?

⁽¹⁾ OJ 1999 L 114, p. 6.

Request for a preliminary ruling from the Landgericht Mannheim (Germany) lodged on 19 May 2014 — Saatgut-Treuhandverwaltungs GmbH v Firma Gerhard und Jürgen Vogel GbR, Jürgen Vogel, Gerhard Vogel

(Case C-242/14)

(2014/C 303/12)

Language of the case: German

Referring court

Landgericht Mannheim

Parties to the main proceedings

Applicant: Saatgut-Treuhandverwaltungs GmbH

Defendants: Firma Gerhard und Jürgen Vogel GbR, Jürgen Vogel, Gerhard Vogel

Questions referred

- Is a farmer who has planted propagating material obtained from a protected plant variety without having concluded a contract for so doing with the plant variety right holder required to pay reasonable compensation, as provided for in Article 94(1) of Council Regulation (EC) No 2100/94 ⁽¹⁾ of 27 July 1994 on Community plant variety rights, and — if he has acted intentionally or negligently — to compensate the holder for any further damage resulting from the infringement of the plant variety right in accordance with Article 94(2) of that regulation, where he has not yet fulfilled his obligation under Article 14(3), fourth indent, of that regulation, in conjunction with Articles 5 and 6 of Commission Regulation (EC) No 1768/95 ⁽²⁾ of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14(3) of Regulation (EC) No 2100/94, to pay an equitable remuneration (planting fee) at the time when he actually made use of the product of the harvest for propagating purposes in the field?
- If the first question is to be answered to the effect that the farmer can still fulfil his obligation to pay an equitable planting fee even after he has actually made use of the product of the harvest for propagating purposes in the field, are the aforementioned provisions to be interpreted as fixing a period within which a farmer who has planted propagating material obtained from a protected plant variety must fulfil his obligation to pay an equitable planting fee in order for the planting to be capable of being regarded as 'authorised' for the purposes of Article 94(1) of Regulation (EC) No 2100/94 in conjunction with Article 14 of that regulation?

⁽¹⁾ OJ 1994 L 227, p. 1.

⁽²⁾ OJ 1995 L 173, p. 14.