

Form of order sought

The Commission claims that the Court should:

- find that, in requiring persons applying for positions with local services established in French-speaking or German-speaking regions who do not have diplomas or certificates to show that they have completed their studies in the language concerned to obtain the certificate issued by SELOR (having taken the exam organised by that body), and in making that certificate the only way in which those persons can prove that they have the language skills needed for such positions, the Kingdom of Belgium has failed to fulfil its obligations under Article 45 TFEU and Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union;⁽¹⁾
- order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The condition, set out in Belgian legislation, under which persons applying for vacant positions with local public services in French-speaking or German-speaking regions who do not have diplomas to show that they have completed their studies in the language concerned are required to prove their language skills before they can fill such positions and are given only one way in which they can do so constitutes discrimination prohibited by Article 45 TFEU and Regulation (EU) No 492/2011.

⁽¹⁾ OJ 2011 L 141, p. 1.

**Request for a preliminary ruling from the Gyulai Közigazgatási és Munkaügyi Bíróság (Hungary)
lodged on 8 July 2014 — Szemerey Gergely v Mezőgazdasági és Vidékfejlesztési Hivatal Központi
Szerve**

(Case C-330/14)

(2014/C 303/37)

Language of the case: Hungarian

Referring court

Gyulai Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Gergely Szemerey

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve

Questions referred

1. Must the principle of flexibility and of the possibility of amending [recitals] 20 and 27 in the preamble to Regulation (EC) No 796/2004⁽¹⁾ and [recitals] 18, 23 and 26 in the preamble to Regulation (EC) No 1122/2009⁽²⁾ be interpreted as precluding a national provision, under which, in the case of the cultivation of a rare plant species, the certificate relating to the rare plant must be attached to the application for payment, having regard to the administrative practice, in accordance with which it was possible to apply for the certificate only before applying for payment between 2 and 15 April 2010, and it was possible to attach it only at the same time as the presentation of the single application, and the provision did not make it possible to remedy the defect in the application constituted by the failure to produce a certificate?
2. Is this arrangement consistent with the obligation of a Member State not to undermine the objectives of the Common Agriculture Policy, or can it be said that the effective exercise of the right to aid under EU law of farmers who grow rare plants became impossible or excessively difficult and unpredictable in 2010 when the legislation was amended (amendment of Paragraph 43(6) of Regulation No 61/2009 (of 14 May 2009) of the Ministry of Agriculture and Rural Development, made law by Regulation No 31/2010 (of 30 March 2010) of the Ministry of Agriculture and Rural Development)?

3. Do [recital] 57 in the preamble to Regulation (EC) No 796/2004 or [recital] 75 in the preamble to Regulation (EC) No 1122/2009 and, in particular, the principal of proportionality preclude an administrative practice which, in the event that there is no certificate relating to the rare plant, and without taking into consideration intention, negligence or the circumstances of the case, imposes a penalty for over-declaration in respect of the entire application, when the application for payment, in respect of the entire plot of land, otherwise complies with the requirements for granting the aid, and the farmer grows the declared plant in the area declared?
4. Are the grounds for exemption contained in [recitals] 67 or 71 in the preamble to Regulation (EC) No 796/2004 or in [recital] 75 in the preamble to Regulation (EC) No 1122/2009 applicable in the event that the farmer claims that a prejudicial or inappropriate administrative practice amounts to exceptional circumstances, and seeks to demonstrate that the practice of the administrative body was wholly or partly the cause of his error?
5. Can the accepted declaration of *force majeure* submitted by the farmer in relation to the total loss of the crop (sowing) be regarded as correct information for the purposes of [recital] 67 in the preamble to Regulation (EC) No 796/2004 and [recital] 93 in the preamble to Regulation (EC) No 1122/2009, which would exonerate the farmer in respect of the failure to submit the certificate relating to the rare plant and thereby entail exemption from the penalties relating to the entire application?

⁽¹⁾ Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in of Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers; OJ 2004 L 141, p. 18.

⁽²⁾ Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector; OJ 2009 L 316, p. 65.

Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije (Slovenia) lodged on 8 July 2014 — Petar Kezić, s.p., Trgovina Prizma v Republic of Slovenia — Ministry of Finance

(Case C-331/14)

(2014/C 303/38)

Language of the case: Slovenian

Referring court

Vrhovno sodišče Republike Slovenije

Parties to the main proceedings

Applicant: Petar Kezić, s.p., Trgovina Prizma

Defendant: Republic of Slovenia — Ministry of Finance