

Judgment of the Court (Fourth Chamber) of 19 January 2017 (request for a preliminary ruling from the Verwaltungsgericht Braunschweig — Germany) — Queisser Pharma GmbH & Co. KG v Bundesrepublik Deutschland

(Case C-282/15) ⁽¹⁾

(Reference for a preliminary ruling — Free movement of goods — Articles 34 to 36 TFEU — Purely domestic situation — Food safety — Regulation (EC) No 178/2002 — Article 6 — Principle of risk analysis — Article 7 — Precautionary principle — Regulation (EC) No 1925/2006 — Member State legislation prohibiting the manufacture and sale of food supplements containing amino acids — Situation in which a temporary derogation to that prohibition is at the discretion of the national authority)

(2017/C 070/03)

Language of the case: German

Referring court

Verwaltungsgericht Braunschweig

Parties to the main proceedings

Applicant: Queisser Pharma GmbH & Co. KG

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

Articles 6 and 7 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which prohibits the manufacture, processing or marketing of any food supplement containing amino acids, unless a derogation has been issued by a national authority with discretion in that respect, where that legislation is based on a risk analysis which concerns only certain amino acids, which it is for the referring court to verify. In any event, those articles must be interpreted as precluding such national legislation, where that legislation lays down that the derogations to the prohibition covered by it may only be granted for a specific period even in cases where the safety of a substance is established.

⁽¹⁾ OJ 2015 C 294, p. 30.

Judgment of the Court (Sixth Chamber) of 19 January 2017 (request for a preliminary ruling from the Appeal Commissioners — Ireland) — National Roads Authority v The Revenue Commissioners

(Case C-344/15) ⁽¹⁾

(Reference for a preliminary ruling — Common system of value added tax — Directive 2006/112/EC — Article 13(1), second subparagraph — Activity of managing road infrastructure and making it available on payment of a toll — Activities engaged in by a body governed by public law acting as a public authority — Presence of private operators — Significant distortions of competition — Existence of actual or potential competition)

(2017/C 070/04)

Language of the case: English

Referring court

Appeal Commissioners