

Judgment of the Court (Fourth Chamber) of 26 April 2017 (request for a preliminary ruling from the Înalta Curte de Casație și Justiție — Romania) — Costin Popescu v Guvernul României and Others

(Case C-632/15) ⁽¹⁾

(Reference for a preliminary ruling — Transport — Road transport — Driving licences — Directive 2006/126/EC — Article 13(2) — Concept of ‘entitlement to drive granted before 19 January 2013’ — National legislation transposing the directive — Obligation to obtain a driving licence imposed on persons who were allowed to ride a moped without a licence before the entry into force of that legislation)

(2017/C 195/04)

Language of the case: Romanian

Referring court

Înalta Curte de Casație și Justiție

Parties to the main proceedings

Applicant: Costin Popescu

Defendants: Guvernul României, Ministerul Afacerilor Interne, Direcția Regim Permise de Conducere și Înmatriculare a Vehiculelor, Direcția Rutieră, Serviciul Public Comunitar Regim Permise de Conducere și Înmatriculare a Vehiculelor

Operative part of the judgment

The provisions of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences, in particular Article 13(2), must be interpreted as not precluding national legislation, adopted in order to transpose that directive into national law, which terminates the authorisation to ride mopeds without holding a driving licence, the issue of which is subject to passing tests or examinations similar to those required for driving other motor vehicles.

⁽¹⁾ OJ C 68, 22.2.2016.

Judgment of the Court (Eighth Chamber) of 26 April 2017 (request for a preliminary ruling from the Rechtbank Noord-Holland — Netherlands) — Stryker EMEA Supply Chain Services BV v Inspecteur van de Belastingdienst/Douane kantoor Rotterdam Rijnmond

(Case C-51/16) ⁽¹⁾

(Reference for a preliminary ruling — Common Customs Tariff — Tariff headings — Classification of goods — Implant screws intended to be inserted in the human body for the treatment of fractures or the stabilisation of prostheses — Combined Nomenclature — Heading 9021 — Implementing Regulation (EU) No 1212/2014 — Validity)

(2017/C 195/05)

Language of the case: Dutch

Referring court

Rechtbank Noord-Holland

Parties to the main proceedings

Applicant: Stryker EMEA Supply Chain Services BV

Defendant: Inspecteur van de Belastingdienst/Douane kantoor Rotterdam Rijnmond

Operative part of the judgment

Heading 9021 of the Combined Nomenclature of the Common Customs Tariff in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Implementing Regulation (EU) No 1101/2014 of 16 October 2014, must be interpreted as meaning that medical implant screws such as those at issue in the main proceedings fall under that heading as those goods have characteristics which distinguish them from ordinary goods by the finish of their manufacture and their high degree of precision, as well as by their method of manufacture and the specificity of their purpose. In particular, the fact that medical implant screws such as those at issue in the main proceedings can be inserted in the body only by means of specific medical tools, not by means of ordinary tools, is a characteristic to be taken into consideration in order to distinguish those medical implant screws from ordinary products.

⁽¹⁾ OJ C 136, 18.4.2016.

Judgment of the Court (Second Chamber) of 26 April 2017 — European Commission v Federal Republic of Germany

(Case C-142/16) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Environment — Directive 92/43/EEC — Article 6(3) — Conservation of natural habitats — Construction of a coal-fired power plant in Moorburg (Germany) — Natura 2000 areas situated upstream of that coal-fired power plant on the corridor of the Elbe river — Assessment of the implications of a plan or project for a protected site)

(2017/C 195/06)

Language of the case: German

Parties

Applicant: European Commission (represented by: C. Hermes and E. Manhaeve, acting as Agents)

Defendant: Federal Republic of Germany (represented by T. Henze and J. Möller, acting as Agents, assisted by W. Ewer, Rechtsanwalt)

Operative part of the judgment

The Court:

1. Declares that, by authorising the construction of the coal-fired power plant in Moorburg, near Hamburg (Germany), without conducting an appropriate and comprehensive assessment of its implications, the Federal Republic of Germany has failed to fulfil its obligations under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
2. Dismisses the remainder of the action;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 165, 10.5.2016.