

Other parties to the proceedings: Brandoni solare SpA, Solaria Energia y Medio Ambiente, SA (represented by: L. Ruessmann, avocat, and M. J. Beck, Solicitor), Council of the European Union (represented by: H. Marcos Fraile, acting as Agent, and N. Tuominen, Avocată), European Commission (represented by: A. Demeneix, T. Maxian Rusche and J.-F. Brakeland, acting as Agents), China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME) (represented by: J.-F. Bellis and A. Scalini, avocats, F. Di Gianni, avvocato)

Operative part of the judgment

The Court:

- 1) Dismisses the appeal;
- 2) Orders SolarWorld AG to pay the costs incurred by the Council of the European Union;
- 3) Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 232, 27.06.2016.

Judgment of the Court (Third Chamber) of 9 November 2017 (request for a preliminary ruling from the Efeteio Athinon (Greece)) — European Commission v Dimos Zagoriou

(Case C-217/16) ⁽¹⁾

(Reference for a preliminary ruling — Enforceable decision of the European Commission ordering the recovery of sums paid — Article 299 TFEU — Enforcement — Implementing measures — Identification of the competent national court to hear disputes regarding enforcement — Identification of the person on whom the pecuniary obligation rests — Conditions for application of the national procedural rules — Procedural autonomy of the Member States — Principles of equivalence and effectiveness)

(2018/C 005/10)

Language of the case: Greek

Referring court

Efeteio Athinon (Greece)

Parties to the main proceedings

Applicant: European Commission

Defendant: Dimos Zagoriou

Operative part of the judgment

1. Article 299 TFEU must be interpreted as not determining the choice of the national competent court to hear actions connected with the enforcement of enforceable European Commission acts which impose a pecuniary obligation on persons other than States, in accordance with that article, that determination being a matter for national law by virtue of the principle of procedural autonomy, provided that that determination does not undermine the application and effectiveness of EU law.

It is for the national court to determine whether the application of the national procedural rules to actions concerning the enforcement of acts covered by Article 299 TFEU is made in a non-discriminatory manner compared to the procedures for deciding national disputes of the same type and in accordance with procedural rules which do not make the recovery of the sums referred to in those acts more difficult than in comparable cases involving the application of the corresponding national provisions.

2. Article 299 TFEU and Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments, Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments and Council Regulation (EEC) No 4256/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Agricultural Guidance and Guarantee Fund (EAGGF) Guidance Section must be interpreted as meaning that they do not define, in circumstances such as those at issue in the main proceedings, the persons against whom enforcement may be pursued by virtue of an enforceable decision of the Commission ordering the recovery of sums paid.

It is for the national court to define those persons, in compliance with the principles of equivalence and effectiveness.

⁽¹⁾ OJ C 222, 20.6.2016.

Judgment of the Court (Tenth Chamber) of 9 November 2017 (reference for a preliminary ruling from the Gerechtshof Arnhem-Leeuwarden — Netherlands) — Jan Theodorus Arts v Veevoederbedrijf Alpuro BV

(Case C-227/16) ⁽¹⁾

(Reference for a preliminary ruling — Agriculture — Common agricultural policy — Regulation (EC) No 73/2009 — Single payment scheme — Veal farmer who concluded an integration contract — Contractual term under which the single payment is payable to the integration undertaking — Whether permissible)

(2018/C 005/11)

Language of the case: Dutch

Referring court

Gerechtshof Arnhem-Leeuwarden

Parties to the main proceedings

Applicant: Jan Theodorus Arts

Defendant: Veevoederbedrijf Alpuro BV

Operative part of the judgment

Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003, must be interpreted as not precluding a contractual term under which the amount of aid which a veal farmer is entitled to claim under the single payment scheme is payable to an integration undertaking in the case where the transfer of that aid takes place within the context of reciprocal benefits and obligations negotiated between the parties to the contract.

⁽¹⁾ OJ C 279, 01.08.2016.
