

**Judgment of the Court (Third Chamber) of 1 March 2018 (request for a preliminary ruling from the Curtea de Apel București — Romania) — Colegiul Medicilor Veterinari din România (CMVRO) v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor**

(Case C-297/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Directive 2006/123/EC — Services in the internal market — National legislation limiting the right to retail, use and administer veterinary medicinal, anti-parasitic and organic products to veterinary practitioners — Freedom of establishment — Requirement that the share capital of establishments retailing veterinary medicinal products be held only by veterinary practitioners — Protection of public health — Proportionality)*

(2018/C 142/04)

Language of the case: Romanian

**Referring court**

Curtea de Apel București

**Parties to the main proceedings**

Applicant: Colegiul Medicilor Veterinari din România (CMVRO)

Defendant: Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor

**Operative part of the judgment**

- (1) Article 15 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market is to be interpreted as not precluding national legislation, such as that at issue in the main proceedings, under which veterinary practitioners have an exclusive right to retail and use organic products, special purpose anti-parasitic products and veterinary medicinal products.
- (2) Article 15 of Directive 2006/123 is to be interpreted as precluding national legislation, such as that at issue in the main proceedings, under which shares in establishments retailing veterinary medicinal products must be owned exclusively by one or more veterinary practitioners.

---

<sup>(1)</sup> OJ C 314, 29.8.2016.

---

**Judgment of the Court (Second Chamber) of 28 February 2018 — European Commission v Xinyi PV Products (Anhui) Holdings Ltd**

(Case C-301/16 P) <sup>(1)</sup>

*(Appeal — Commercial policy — Dumping — Imports of solar glass originating in China — Regulation (EC) No 1225/2009 — Article 2(7)(b) and (c) — Market Economy Treatment (MET) — Concept of ‘significant distortions carried over from the former non-market economy system’, within the meaning of the third indent of Article 2(7)(c) — Tax incentives)*

(2018/C 142/05)

Language of the case: English

**Parties**

Appellant: European Commission (represented by: L. Flynn and T. Maxian Rusche, acting as Agents)

*Other party to the proceedings:* Xinyi PV Products (Anhui) Holdings Ltd (represented by: Y. Melin and V. Akritidis, avocats)

*Intervener in support of the appellant:* GMB Glasmanufaktur Brandenburg GmbH, (represented by: A. Bochon, avocat, and R. MacLean, Solicitor)

### **Operative part of the judgment**

*The Court:*

1. Sets aside the judgment of the General Court of the European Union of 16 March 2016, *Xinyi PV Products (Anhui) Holdings v Commission* (T 586/14, EU:T:2016:154);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

---

<sup>(1)</sup> OJ C 270, 25.7.2016.

---

### **Judgment of the Court (Fifth Chamber) of 28 February 2018 (request for a preliminary ruling from the Naczelny Sąd Administracyjny — Poland) — Stanisław Pieńkowski v Dyrektor Izby Skarbowej w Lublinie**

(Case C-307/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Directive 2006/112/EC — Value added tax (VAT) — Article 131 — Article 146(1)(b) — Article 147 — Exemptions on exportation — Article 273 — Legislation of a Member State making the benefit of the exemption subject to the attainment of a minimum level of turnover or the conclusion of an agreement with a person authorised to make VAT refunds to travellers)*

(2018/C 142/06)

*Language of the case:* Polish

### **Referring court**

Naczelny Sąd Administracyjny

### **Parties to the main proceedings**

*Applicant:* Stanisław Pieńkowski

*Defendant:* Dyrektor Izby Skarbowej w Lublinie

### **Operative part of the judgment**

Article 131, Article 146(1)(b) and Articles 147 and 273 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as precluding national legislation under which, in the context of a supply of goods for export to be carried in the personal luggage of travellers, the vendor, a taxable person, must have attained a minimum level of turnover in the preceding tax year, or have concluded an agreement with a person authorised to refund VAT to travellers, where the mere failure to meet those conditions results in the definitive loss for the vendor of the exemption in relation to that supply.

---

<sup>(1)</sup> OJ C 335, 12.9.2016.