

Parties to the main proceedings

Applicants: Isabel Maria Pinheiro Vieira Rodrigues de Andrade, Fausto da Silva Rodrigues de Andrade

Defendants: José Manuel Proença Salvador, Crédito Agrícola Seguros — Companhia de Seguros de Ramos Reais, SA, Jorge Oliveira Pinto

Operative part of the judgment

Article 3(1) of Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, must be interpreted as meaning that the concept of ‘use of vehicles’, referred to in that provision, does not cover a situation in which an agricultural tractor has been involved in an accident when its principal function, at the time of that accident, was not to serve as a means of transport but to generate, as a machine for carrying out work, the motive power necessary to drive the pump of a herbicide sprayer.

⁽¹⁾ OJ C 475, 19.12.2016.

Order of the Court (Third Chamber) of 23 November 2017 (request for a preliminary ruling from the Tribunale di Pordenone — Italy) — Criminal proceedings against Giorgio Fidenato

(Case C-107/16) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Agriculture — Genetically modified food and feed — Emergency measures — National measure seeking to prohibit the cultivation of genetically modified maize MON 810 — Adoption and maintenance of the measure — Regulation (EC) No 1829/2003 — Article 34 — Regulation (EC) No 178/2002 — Articles 53 and 54 — Conditions of application — Precautionary principle)

(2018/C 032/05)

Language of the case: Italian

Referring court

Tribunale di Pordenone

Criminal proceedings against

Giorgio Fidenato

Operative part of the order

1. Article 34 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed, read in conjunction with Article 53 of Regulation 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 meaning that the European Commission is not required to adopt emergency measures within the meaning of Article 53 of Regulation No 178/2002 when a Member State officially informs the Commission, in accordance with Article 54(1) of that regulation, of the need to take such measures, as long as it is not evident that products authorised by Regulation No 1829/2003 or in accordance with that regulation are likely to constitute a serious risk to human health, animal health or the environment.
2. Article 34 of Regulation No 1829/2003, read in conjunction with Article 54 of Regulation No 178/2002, must be interpreted as meaning that a Member State may, after officially informing the European Commission of the need to resort to emergency measures, and where the Commission has not acted in accordance with Article 53 of Regulation No 178/2002 adopt such measures at the national level.

3. Article 34 of Regulation No 1829/2003, read in conjunction with the precautionary principle as set out in Article 7 of Regulation No 178/2002, must be interpreted as meaning that it does not give Member States the option of adopting, in accordance with Article 54 of Regulation No 178/2002, interim emergency measures solely on the basis of that principle, without the conditions set out in Article 34 of Directive No 1829/2003 being satisfied.

⁽¹⁾ OJ C 165, 10.5.2016.

Order of the Court (Eighth Chamber) of 16 November 2017 (request for a preliminary ruling from the Ministarstvo pomorstva, prometa i infrastrukture — Uprava zračnog prometa, elektroničkih komunikacija i pošte — Croatia) — Hrvatska agencija za civilno zrakoplovstvo v Air Serbia A. D. Beograd, Dane Kondić

(Case C-476/16) ⁽¹⁾

(Reference for a preliminary ruling — Article 53(2) of the Rules of Procedure of the Court of Justice — Whether the body making a reference is a ‘court or tribunal’ — Independence — Manifest Inadmissibility of the request for a preliminary ruling)

(2018/C 032/06)

Language of the case: Croatian

Referring court

Ministarstvo pomorstva, prometa i infrastrukture — Uprava zračnog prometa, elektroničkih komunikacija i pošte

Parties to the main proceedings

Applicant: Hrvatska agencija za civilno zrakoplovstvo

Defendant: Air Serbia A.D. Beograd, Dane Kondić

Operative part of the order

The request for a preliminary ruling made by the Ministarstvo pomorstva, prometa i infrastrukture — Uprava zračnog prometa, elektroničkih komunikacija i pošte (Ministry of Maritime Affairs, Transport and Infrastructure — Directorate for Air Transport, Electronic Communications and Postal Services, Croatia), by decision of 26 August 2016, is manifestly inadmissible.

⁽¹⁾ OJ C 419, 14.11.2016.

Order of the Court (Eighth Chamber) of 16 November 2017 (request for a preliminary ruling from the Supremo Tribunal Administrativo — Portugal) — Instituto de Financiamento da Agricultura e Pescas, IP v Maxiflor — Promoção e Comercialização de Plantas, Importação e Exportação, Lda

(Case C-491/16) ⁽¹⁾

(Reference for a preliminary ruling — Article 53(2) and Article 99 of the Rules of Procedure of the Court — Regulation (EC) No 1260/1999 — Regulation (EC, Euratom) No 2988/95 — Article 3(1) — Protection of the European Union’s financial interests — Concept of ‘multiannual programme’ — Scope of application)

(2018/C 032/07)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo