

**Parties to the main proceedings**

*Applicants:* A, B, C, D, E, F, G

*Defendant:* Staatssecretaris van Economische Zaken

**Operative part of the judgment**

1. Annex III, Section II, Chapter IV, points 5 and 8, to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin must be interpreted as meaning that the concept of ‘contamination’ includes not only contamination by faeces, but also contamination by crop contents and by bile.
2. Annex III, Section II, Chapter IV, points 5 and 8, to Regulation No 853/2004 must be interpreted as meaning that a poultry carcass must no longer contain any visible contamination after the cleaning stage and before the chilling stage.
3. Annex I, Section I, Chapter II, Part D, point 1, to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, as amended by Commission Implementing Regulation (EU) No 739/2011 of 27 July 2011, must be interpreted as not precluding the competent authority, for the purposes of inspecting poultry carcasses, from removing them from the slaughter line and carrying out both an external and internal examination of those carcasses, if necessary by lifting their fat tissue, provided that that examination does not go beyond what is necessary in order to ensure the effectiveness of that control, which it is for the referring court to verify.

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(<sup>1</sup>) OJ C 300, 11.9.2017.

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**Judgment of the Court (First Chamber) of 5 September 2019 — European Union, represented by the Court of Justice of the European Union v Guardian Europe Sàrl and European Union, represented by the European Commission (C-447/17 P) and Guardian Europe Sàrl v European Union, represented by the Court of Justice of the European Union, and European Union, represented by the European Commission (C-479/17 P)**

(Joined Cases C-447/17 P and C-479/17 P) (<sup>1</sup>)

*(Appeals — Actions for damages — Second paragraph of Article 340 TFEU — Excessive length of the proceedings in a case before the General Court of the European Union — Compensation for the damage allegedly sustained by the applicant — Concept of a ‘single undertaking’ not applied — Material damage — Bank guarantee costs — Causal link — Loss of profit — Non-pecuniary damage — Liability of the European Union for damage caused by infringements of EU law arising from a decision of the General Court — No incurring of liability)*

(2019/C 383/07)

*Language of the case:* English

**Parties**

Case C-447/17 P

*Appellant:* European Union, represented by the Court of Justice of the European Union (represented initially by J. Inghelram and K. Sawyer, and subsequently by J. Inghelram, acting as Agents)

*Other parties to the proceedings:* Guardian Europe Sàrl (represented by C. O’Daly, Solicitor, and F. Louis, avocat), European Union, represented by the European Commission (represented by N. Khan, A. Dawes and C. Urraca Caviedes, acting as Agents)

Case C-479/17 P

*Appellant:* Guardian Europe Sàrl (represented by C. O'Daly, Solicitor, and F. Louis, avocat)

*Other parties to the proceedings:* European Union, represented by the Court of Justice of the European Union (represented initially by J. Inghelram and K. Sawyer, and subsequently by J. Inghelram, acting as Agents), European Union, represented by the European Commission (represented by N. Khan, A. Dawes and C. Urraca Caviedes, acting as Agents)

### Operative part of the judgment

The Court:

1. Sets aside point 1 of the operative part of the judgment of the General Court of the European Union of 7 June 2017, *Guardian Europe v European Union* (T-673/15, EU:T:2017:377);
2. Dismisses the main appeal, brought by Guardian Europe Sàrl, in Case C-479/17 P;
3. Dismisses the cross-appeal, brought by the European Union, represented by the Court of Justice of the European Union, in Case C-479/17 P;
4. Dismisses the action for damages brought by Guardian Europe Sàrl in so far as it is designed to obtain compensation in the sum of EUR 936 000 for the alleged material damage consisting in the payment of bank guarantee costs after the reasonable period for adjudicating in the case which gave rise to the judgment of 27 September 2012, *Guardian Industries and Guardian Europe v Commission* (T-82/08, EU:T:2012:494);
5. Orders Guardian Europe Sàrl to bear, in addition to its own costs, all the costs incurred by the European Union, represented both by the Court of Justice of the European Union and by the European Commission, both at first instance and in the appeal in Case C-447/17 P and the main appeal in Case C-479/17 P;
6. Orders the European Union, represented by the Court of Justice of the European Union, to bear, in addition to its own costs, all the costs incurred by Guardian Europe Sàrl in the cross-appeal in Case C-479/17 P.

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(<sup>1</sup>) OJ C 369, 30.10.2017.

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**Judgment of the Court (Second Chamber) of 11 September 2019 (request for a preliminary ruling from the Corte dei Conti, Italy) — Federazione Italiana Golf (FIG) v Istituto Nazionale di Statistica — ISTAT, Ministero dell'Economia e delle Finanze (C-612/17), Federazione Italiana Sport Equestri (FISE) v Istituto Nazionale di Statistica (ISTAT) (C-613/17)**

**(Joined Cases C-613/17 and C-613/17) (<sup>1</sup>)**

**(Reference for a preliminary ruling — Regulation (EU) No 549/2013 — European System of national and regional accounts in the European Union — Annex A, paragraph 20.15 — Control exercised by a National Olympic Committee over national sporting federations constituted in the form of non-profit institutions (NPIs) — Annex A, Paragraph 20.15, second sentence — Concept of ‘public intervention in the form of general regulations applicable to all units working in the same activity’ — Scope — Annex A, paragraph 20.15, first sentence — Concept of ‘ability to determine the general policy or programme’ of an NPI — Scope — Annex A, paragraph 2.39(d), paragraph 20.15(d), and paragraph 20.309(i), last sentence — Taking into account of contributions paid by members to the NPI)**

(2019/C 383/08)

*Language of the case: Italian*

**Referring court**

Corte dei Conti