

Parties to the main proceedings

Applicant: Argo Kalda Mardi talu

Defendant: Põllumajanduse Registrate ja Informatsiooni Amet (PRIA)

Operative part of the judgment

- 1) Article 93(1), Article 94 and Annex II to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 must be interpreted as not precluding a Member State from requiring, as a standard for good agricultural and environmental conditions referred to in that Annex II, the preservation, on an agricultural area, of cairns marked by stones, the removal of which breaches such a requirement and, consequently, the reduction of payments owed to the farmer concerned.
- 2) Article 72(1)(a), Article 91(1) and (2), Article 93(1) and Article 94 of Regulation No 1306/2013 and Article 4(1)(b), (c) and (e) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 must be interpreted as meaning that the requirements relating to good agricultural and environmental conditions, provided for by Regulation No 1306/2013 must be complied with on the whole of the agricultural holding and not solely on the agricultural area in respect of which the payment is specifically requested.

⁽¹⁾ OJ C 338, 9.10.2017.

Judgment of the Court (Seventh Chamber) of 7 August 2018 (request for a preliminary ruling from the Riigikohus — Estonia) — Viking Motors AS and Others v Tallinna linn, Maksu- ja Tolliamet

(Case C-475/17) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — Common system of value added tax (VAT) — Directive 2006/112/EC — Article 401 — Domestic taxes which can be characterised as turnover taxes — Prohibition — Concept of ‘turnover tax’ — Local sales tax — Essential characteristics of VAT — None)

(2018/C 352/17)

Language of the case: Estonian

Referring court

Riigikohus

Parties to the main proceedings

Applicants: Viking Motors AS, TKM Beauty Eesti OÜ, TKM King AS, Kaubamaja AS, Selver AS

Defendants: Tallinna linn, Maksu- ja Tolliamet

Operative part of the judgment

Article 401 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted to the effect that it does not preclude the maintenance or introduction of a tax such as the sales tax at issue in the main proceedings.

⁽¹⁾ OJ C 347, 16.10.2017.

Judgment of the Court (Eighth Chamber) of 7 August 2018 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Verbraucherzentrale Berlin eV v Unimatic Vertriebs GmbH

(Case C-485/17) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Directive 2011/83/EU — Article 2(9) — Concept of ‘business premises’ — Criteria — Sales contract concluded on a stand run by a trader at a trade fair)

(2018/C 352/18)

Language of the case: Germany

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Verbraucherzentrale Berlin eV

Defendant: Unimatic Vertriebs GmbH

Operative part of the judgment

Article 2(9) of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, must be interpreted as meaning that a stand, such as that at issue in the main proceedings, run by a trader at a trade fair, at which he carries out his activity for a few days each year, constitutes ‘business premises’ within the meaning of that provision if, in the light of all the factual circumstances surrounding that activity, in particular the appearance of the stand and the information relayed on the premises of the fair itself, a reasonably well-informed and reasonably observant and circumspect consumer could reasonably assume that the trader is carrying out his activity there and will solicit him in order to conclude a contract, which is for the national court to ascertain.

⁽¹⁾ OJ C 392, 20.11.2017.
