

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 13 December 2019 — Agrimotion S.A. v ADAMA Deutschland GmbH

(Case C-912/19)

(2020/C 95/16)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Defendant and appellant: Agrimotion S.A.

Applicant and respondent: ADAMA Deutschland GmbH

Question referred

Can an undertaking which places a plant protection product authorised in the Member State of origin on the market of the Member State of introduction rely on the parallel trade permit granted by the competent authority of the Member State of introduction to a third undertaking, if the canisters containing the plant protection product and in which that product is placed on the market of the Member State of introduction indicate both the holder of the permit and the importing undertaking? If there are any additional requirements, what are they? ⁽¹⁾

⁽¹⁾ Pursuant to Article 52 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ 2009 L 309, p. 1).

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 12 December 2019 — Eco Fox Srl v Fallimento Mythen Spa and Others

(Case C-915/19)

(2020/C 95/17)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Eco Fox Srl.

Defendants: Fallimento Mythen Spa, Ministero dell'Economia e delle Finanze, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Ministero delle Politiche agricole, alimentari e forestali, Ministero dello Sviluppo Economico, Agenzia delle Dogane e dei Monopoli

Question referred

In the view of the Court of Justice of the European Union — in the light of Articles 107 and 108 TFEU, Council Regulation (EC) No 659/1999 of 22 March 1999, ⁽¹⁾ as amended, Commission Regulation (EC) No 794/2004 of 21 April 2004, ⁽²⁾ and any further relevant provisions of [EU] law — does the definition of State aid, as such subject to an obligation of prior notification to the European Commission, cover a secondary regulatory instrument such as the regulation adopted by

means of Ministerial Decree No 37/2015 — which is being challenged in these proceedings — which, in direct enforcement of judgments of the Council of State requiring the annulment in part of the previous regulations already notified to the Commission, has retroactively affected the procedures for application of the reduced excise duty on biodiesel by retroactively amending the criteria for distribution of the benefit thereof among the applicant companies without extending the duration of the programme of tax concessions?

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- (¹) Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).
- (²) Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 2004 L 140, p. 1).

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 12 December 2019 —
Alpha Trading SpA unipersonale v Ministero dell'Economia e delle Finanze and Others**

(Case C-916/19)

(2020/C 95/18)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Alpha Trading SpA unipersonale

Defendant: Ministero dell'Economia e delle Finanze, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Ministero delle Politiche agricole, alimentari e forestali, Ministero dello Sviluppo Economico

Questions referred

In the view of the Court of Justice of the European Union — in the light of Articles 107 and 108 TFEU, Council Regulation (EC) No 659/1999 (¹) of 22 March 1999, as amended, Commission Regulation (EC) No 794/2004 (²) of 21 April 2004, and any further relevant provisions of [EU] law — does the definition of State aid, as such subject to an obligation of prior notification to the European Commission, cover a secondary regulatory instrument such as the regulation adopted by means of Ministerial Decree No 37/2015 — which is being challenged in these proceedings — which, in direct enforcement of judgments of the Council of State requiring the annulment in part of the previous regulations already notified to the Commission, has retroactively affected the procedures for application of the reduced excise duty on biodiesel by retroactively amending the criteria for distribution of the benefit thereof among the applicant companies without extending the duration of the programme of tax concessions?

(¹) Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

(²) Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 2004 L 140, p. 1).
