

**Question referred**

Must the cost of production, in the customs territory of the European Union, of printing templates for labels be added to the transaction value under Article 32(1)(a)(ii) or Article 32(1)(b)(iv) of the Customs Code <sup>(1)</sup> if the buyer established in the customs territory of the European Union makes the printing templates available free of charge in electronic form to the suppliers in the third country?

<sup>(1)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).

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**Order of the Court (Ninth Chamber) of 23 May 2023 (request for a preliminary ruling from the Judecătoria Bistrița — Romania) — LO v Ministerul Public — Parchetul de pe lângă Judecătoria Bistrița, RS, TU and VW**

**(Case C-56/23, <sup>(1)</sup> Riaman) <sup>(2)</sup>**

**(Reference for a preliminary ruling — Article 53(2) and Article 94 of the Rules of Procedure of the Court of Justice — Requirement to present the factual context of the dispute in the main proceedings — Lack of sufficient information — Manifest inadmissibility)**

(2023/C 261/23)

Language of the case: Romanian

**Referring court**

Judecătoria Bistrița

**Parties to the main proceedings**

*Applicant:* LO

*Interveners:* Ministerul Public — Parchetul de pe lângă Judecătoria Bistrița, RS, TU and VW

**Operative part of the order**

The request for a preliminary ruling made by the Judecătoria Bistrița (Court of First Instance, Bistrița, Romania), by decision of 7 December 2022, is manifestly inadmissible.

<sup>(1)</sup> Date lodged: 3.2.2023.

<sup>(2)</sup> The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

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**Action brought on 24 May 2023 — European Commission v Republic of Slovenia**

**(Case C-318/23)**

(2023/C 261/24)

Language of the case: Slovenian

**Parties**

*Applicant:* European Commission (represented by: P. Ondrůšek, M. Escobar Gómez, U. Babovič and A. Kraner, acting as Agents)

*Defendant:* Republic of Slovenia

**Form of order sought**

The Commission claims that the Court should:

— declare that the Republic of Slovenia, by failing to take all the measures necessary to comply with the judgment of the Court in Case C-140/14, *Commission v Slovenia*, in so far as it concerns Plot No 115/1 in Teharje (Bukovžlak), has failed to fulfil its obligations under Article 260(1) TFEU;

- order the Republic of Slovenia to pay the Commission a penalty payment of EUR 4 500 per day from the date of delivery of the judgment in the present proceedings until the date on which the Republic of Slovenia complies with the judgment in Case C-140/14 in so far as it concerns Plot No 115/1 in Teharje (Bukovžlak);
- order the Republic of Slovenia to pay the Commission a daily lump sum of EUR 500 multiplied by the number of days from the delivery of the judgment in Case C-140/14 until the date on which the Republic of Slovenia complies with that judgment in so far as it concerns Plot No 115/1 in Teharje (Bukovžlak), or until the date of delivery of the judgment in the present proceedings, whichever is sooner, the minimum total amount of the lump sum being EUR 280 000;
- order the Republic of Slovenia to pay the costs.

### Pleas in law and main arguments

In its judgment in Case C-140/14, the Court found that the disposal of waste on Plot [No 115/1] in Teharje (Bukovžlak) had to be considered illegal and that Slovenia had infringed the obligations laid down in Article 13 and Article 36(1) of Directive 2008/98/EC of the European Parliament and of the Council, <sup>(1)</sup> Article 5(3)(e) and Article 6 of Council Directive 1999/31/EC, <sup>(2)</sup> read in conjunction with Council Decision 2003/33/EC, <sup>(3)</sup> and Articles 7 to 9, 11 and 12 of Council Directive 1999/31/EC, as well as Annexes I to III thereto, by having first permitted the unauthorised disposal of waste on that site and having then not taken any measures to remove that waste.

The Republic of Slovenia has informed the European Commission of the individual measures for selecting the best way of disposing of the waste and for carrying out the works whereby the judgment in Case C-140/14 will be complied with in so far as it concerns Plot No 115/1 in Teharje (Bukovžlak). To that end, the Republic of Slovenia sent the European Commission a timetable, according to which the final implementation of the rehabilitation would take place between the first semester of 2020 and 3 November 2021.

Because there were delays in complying with the deadlines specified in the timetable referred to above, the European Commission sent the Republic of Slovenia a letter of formal notice on 8 June 2018. The Republic of Slovenia, in its response to that letter of formal notice, expressly assured the Commission that the rehabilitation works would be carried out by the original deadline specified in the timetable referred to above; however, this did not happen. An illegal landfill, established and maintained in breach of the applicable EU legislation, still exists — despite the judgment of the Court in which that breach was established — and presents a risk for the environment and human health. The European Commission has therefore decided to bring an action under Article 260(2) TFEU.

<sup>(1)</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ 2008 L 312, p. 3).

<sup>(2)</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1).

<sup>(3)</sup> Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ 2003 L 11, p. 27).

### Judgment of the Court (Third Chamber) of 8 June 2023 (request for a preliminary ruling from the Landesgericht Korneuburg — Austria) — Austrian Airlines AG v TW

(Case C-49/22, <sup>(1)</sup> Austrian Airlines (Repatriation flight))

*(Reference for a preliminary ruling — Air transport — Regulation (EC) No 261/2004 — Article 5(1)(a) — Cancellation of a flight — Article 8(1) — Obligation to provide assistance — Concept of ‘re-routing’ — Compensation for air passengers in the event of cancellation of a flight — COVID-19 pandemic — Repatriation flight organised by a Member State in the context of consular assistance — Flight operated by the same operating air carrier and at the same time as the cancelled flight — Costs to be borne by the passenger in excess of the net costs of that flight)*

(2023/C 261/25)

Language of the case: German

### Referring court

Landesgericht Korneuburg