

**Operative part of the judgment**

The Court:

1. Declares that, by failing to adopt, as regards financial services other than private insurance, the laws, regulations and administrative provisions necessary to comply with Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC, the Kingdom of Spain has failed to fulfil its obligations under that directive;
2. Orders the Kingdom of Spain to pay the costs.

(<sup>1</sup>) OJ C 121 of 20.5.2006.

**Judgment of the Court (Seventh Chamber) of 19 April 2007 (reference for a preliminary ruling from the Finanzgericht Hamburg, Germany) — Sunshine Deutschland Handelsgesellschaft mbH v Hauptzollamt Kiel**

(Case C-229/06) (<sup>1</sup>)

**(Common Customs Tariff — Tariff classification — Combined Nomenclature — Pumpkin seeds which have lost their ability to germinate)**

(2007/C 96/28)

Language of the case: German

**Referring court**

Finanzgericht Hamburg

**Parties to the main proceedings**

*Applicant:* Sunshine Deutschland Handelsgesellschaft mbH

*Defendant:* Hauptzollamt Kiel

**Re:**

Reference for a preliminary ruling — Finanzgericht Hamburg — Interpretation of Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1) — Subheadings 1209 91 90 and 1212 99 80 — Shelled pumpkin seeds which have lost the ability to germinate and are intended for the baking industry

**Operative part of the judgment**

Subheading 1212 99 80 of the Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the

tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 1789/2003 of 11 September 2003, must be interpreted as meaning that shelled pumpkin seeds which have lost their ability to germinate and which are intended for use in the baking industry come under that subheading.

(<sup>1</sup>) OJ C 190, 12.8.2006.

**Judgment of the Court (Eighth Chamber) of 19 April 2007 — Commission of the European Communities v Grand Duchy of Luxembourg**

(Case C-264/06) (<sup>1</sup>)

**(Failure of a Member State to fulfil obligations — Regulation (EC) No 261/2004 — Article 16(3) — Compensation and assistance to passengers — Measures necessary)**

(2007/C 96/29)

Language of the case: French

**Parties**

*Applicant:* Commission of the European Communities (represented by: D. Maidani and R. Vidal Puig, acting as Agents)

*Defendant:* Grand Duchy of Luxembourg (represented by: C. Schiltz)

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt the measures necessary to comply with Article 16(3) of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1) — Adoption of effective, proportionate and dissuasive sanctions

**Operative part of the judgment**

The Court:

1. Declares that, by not laying down sanctions for infringements of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 16(3) of that regulation;