

2. What are the criteria for determining whether the hygiene requirements laid down in point 4 of Chapter I of Annex II to Regulation (EC) No 852/2004, as expressed with the words 'materials for cleaning hands and for hygienic drying', are met? Should that provision of the Annex be interpreted as meaning, for example, that a hand dryer or a water tap only meets the hygiene requirements of point 4 of Chapter I of Annex II to Regulation (EC) No 852/2004 if the hand dryer or water tap can be used without touching by hand?

(¹) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs; OJ 2004 L 139, p. 1.

2. What are the criteria which determine injuriousness to health under paragraph 3 of Chapter IX of Annex II to Regulation (EC) No 852/2004? Does such injuriousness already exist where a foodstuff offered for sale could conceivably be touched or sneezed upon by a would-be purchaser?

3. What are the criteria which determine contamination under paragraph 3 of Chapter IX of Annex II to Regulation (EC) No 852/2004? Does such contamination already exist where a foodstuff offered for sale could conceivably be touched or sneezed upon by a would-be purchaser?

(¹) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs; OJ 2004 L 139, p. 1.

Reference for a preliminary ruling from the Unabhängiger Verwaltungssenat Wien (Austria) lodged on 29 July 2010 — Erich Albrecht, Thomas Neumann, Van-Ly Sundara, Alexander Svoboda, Stefan Toth v Amt der Wiener Landesregierung

(Case C-382/10)

(2010/C 274/19)

Language of the case: German

Referring court

Unabhängiger Verwaltungssenat Wien

Parties to the main proceedings

Appellants: Erich Albrecht, Thomas Neumann, Van-Ly Sundara, Alexander Svoboda, Stefan Toth

Respondent: Amt der Wiener Landesregierung

Questions referred

1. What are the criteria which determine unfitness for human consumption under paragraph 3 of Chapter IX of Annex II to Regulation (EC) No 852/2004? (¹) Does such unfitness already exist where a foodstuff offered for sale could conceivably be touched or sneezed upon by a would-be purchaser?

Action brought on 30 July 2010 — European Commission v Kingdom of Belgium

(Case C-383/10)

(2010/C 274/20)

Language of the case: French

Parties

Applicant: European Commission (represented by: R. Lyal and F. Dintilhac, Agents)

Defendant: Kingdom of Belgium

Form of order sought

— declare that, by introducing and maintaining a system of discriminatory taxation of interest payments by non-resident banks, by applying a tax exemption only to interest payments by Belgian banks, the Kingdom of Belgium has failed to fulfil its obligations under Articles 56 and 63 of the Treaty on the Functioning of the European Union (ex Articles 49 and 56 respectively of the EC Treaty) and Articles 36 and 40 of the Agreement on the European Economic Area;

— order the Kingdom of Belgium to pay the costs.