

Parties to the main proceedings

Applicant: Szatmári Malom Kft.

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve

Questions referred

1. May a situation where a business operator, having closed down previous holdings, wishes to establish a new holding without increasing existing capacity be deemed to fall within the concept of improving overall performance of the agricultural holding under Article 26(1)(a) of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development?
2. May the investment to be made by the applicant be interpreted as investment for the purpose of improving overall performance of the enterprise within the meaning of Articles 20(b)(iii) and 28(1) of Council Regulation (EC) No 1698/2005? ⁽¹⁾
3. Is Paragraph 6(3) of the Decree of the Ministry of Agriculture and Rural Development (FVM) No 47/2008 of 17 April 2008 compatible with Article 28(1)(a) of Council Regulation (EC) No 1698/2005 in that, as regards mills, only support for operations for the purpose of modernising existing capacity is granted? Does the Regulation empower the national legislature to exclude certain types of development from support for economic reasons?

⁽¹⁾ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ 2005 L 277, p. 1).

Request for a preliminary ruling from the Bayerisches Verwaltungsgericht München (Germany) lodged on 18 March 2013 — Herbaria Kräuterparadies GmbH v Freistaat Bayern

(Case C-137/13)

(2013/C 171/27)

Language of the case: German

Referring court

Bayerisches Verwaltungsgericht München

Parties to the main proceedings

Applicant: Herbaria Kräuterparadies GmbH

Defendant: Freistaat Bayern

Questions referred

1. Is Article 27(1)(f) of Regulation (EC) No 889/2008 ⁽¹⁾ to be interpreted as meaning that the use of the substances referred to is legally required only when a provision of European Union law or a provision of national law compatible with European Union law directly requires, in respect of the foodstuff in which the substances referred to are to be incorporated, that the substances referred to be added or at least lays down a minimum content in respect of the substances referred to, which should be incorporated?
2. Should the first question be answered in the negative: Is Article 27(1)(f) of Regulation (EC) No 889/2008 to be understood as meaning that the use of the substances referred to is also legally required where the marketing of a foodstuff as a food supplement or bearing health claims would, without the addition of at least one of the substances referred to, tend to mislead the consumer because the foodstuff cannot, in the absence of one of the substances referred to in sufficient strength, fulfil its stated purpose as a foodstuff or its stated purpose as expressed by the health claim?
3. Should the first question be answered in the negative: Is Article 27(1)(f) of Regulation (EC) No 889/2008 to be understood as meaning that the use of the substances referred to is also legally required where a specific health claim may be used only for foodstuffs which contain a certain, so-called significant, amount of at least one of the substances referred to?

⁽¹⁾ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ 2008 L 250, p. 1).

Request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany) lodged on 19 March 2013 — Naime Dogan v Federal Republic of Germany

(Case C-138/13)

(2013/C 171/28)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: Naime Dogan

Defendant: Federal Republic of Germany