

3. The Commission consequently brings proceedings before the Court, in accordance with Article 260(2) TFEU, which provides that, where the Commission brings a case before the Court when a Member State has not taken the necessary measures to comply with a judgment of the Court within the period defined by the Commission, then the Commission is to specify the amount of the penalty payment and/or lump sum which it considers should be paid by the Member State, and which the Commission considers appropriate in the circumstances. The final decision on the imposition of the penalties provided for by Article 260 TFEU is to be taken by the Court, which in this case has unlimited jurisdiction.
4. The Commission, applying the criteria which it set out in its Communication of 13/12/2005 (as updated on 17/09/2014) on the application of Article 260 TFEU, claims that the Court should declare that the Hellenic Republic, by failing to take the necessary measures to comply with the judgment delivered by the Court on 10 September 2009 in Case C-286/08 *Commission v Greece*, failed to fulfil its obligations under Article 260(1) TFEU, order the Hellenic Republic to pay to the Commission a proposed penalty payment of EUR 72 864,00 for each day of delay in complying with the judgment in Case C-286/08, from the date of delivery of judgment in the present case until the date of full compliance with the judgment in Case C-286/08, order the Hellenic Republic to pay to the Commission a daily lump sum of EUR 8 096,00 for each day from the date of delivery of the judgment in Case C-286/08 until the date of delivery of the judgment in the present case, or until the date upon which the judgment in Case C-286/08 has been complied with, if earlier, and order the Hellenic Republic to pay the costs.

<sup>(1)</sup> OJ L 114, 27.4.2006, p. 9.

<sup>(2)</sup> OJ L 182, 16.7. 1999, p. 1.

<sup>(3)</sup> OJ L 377, 31.12.1991, p 20.

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**Reference for a preliminary ruling from the High Court of Justice (England and Wales), Queen's Bench Division (Administrative Court) (United Kingdom) made on 19 December 2014 — European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills**

(Case C-592/14)

(2015/C 081/10)

*Language of the case: English*

**Referring court**

High Court of Justice (England and Wales), Queen's Bench Division (Administrative Court)

**Parties to the main proceedings**

*Applicant:* European Federation for Cosmetic Ingredients

*Defendants:* Secretary of State for Business, Innovation and Skills, Attorney General

*Interveners:* British Union for the Abolition of Vivisection, European Coalition to End Animal Experiments

**Questions referred**

1. Is Article 18(l)(b) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products<sup>(1)</sup> to be interpreted as prohibiting the placing on the Community market of cosmetic products containing ingredients, or a combination of ingredients, which have been the subject of animal testing where that testing was performed outside the European Union to meet the legislative or regulatory requirements of third countries in order to market cosmetic products containing those ingredients in those countries?
2. Does the answer to question (1) depend on: -
  - (a) whether the safety assessment carried out in accordance with Article 10 of that Regulation to demonstrate that the cosmetic product is safe for human health prior to it being made available on the Community market would involve the use of data resulting from the animal testing performed outside the European Union;

- (b) whether the legislative or regulatory requirements of the third countries for which the animal testing was undertaken relate to the safety of cosmetic products;
- (c) whether it was reasonably foreseeable, at the time that an ingredient was subjected to animal testing outside the European Union, that any person might seek to place a cosmetic product including that ingredient at some stage on the Community market; and/or
- (d) any other factor, and if so, what factor?

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<sup>(1)</sup> OJ L 342, p. 59

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**Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 30 December 2014 —  
Virpi Komu, Hanna Ruotsalainen, Ritva Komu v Pekka Komu, Jelena Komu**

(Case C-605/14)

(2015/C 081/11)

*Language of the case: Finnish*

**Referring court**

Korkein oikeus

**Parties to the main proceedings**

*Appellants:* Virpi Komu, Hanna Ruotsalainen, Ritva Komu

*Respondents:* Pekka Komu, Jelena Komu

**Question referred**

Is Article 22(1) of Council Regulation (EC) No 44/2001 <sup>(1)</sup> on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as meaning that in a case in which some of the co-owners of immovable property apply for the property to be sold for the purpose of the dissolution of the co-ownership relationship and for the trustee to carry out the sale is a question concerning rights *in rem* in immovable property?

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<sup>(1)</sup> OJ 2001 L 12, p. 1.

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**Reference for a preliminary ruling from First-tier Tribunal (Tax Chamber) (United Kingdom) made on  
29 December 2014 — Bookit, Ltd v Commissioners for Her Majesty's Revenue and Customs**

(Case C-607/14)

(2015/C 081/12)

*Language of the case: English*

**Referring court**

First-tier Tribunal (Tax Chamber)

**Parties to the main proceedings**

*Applicants:* Bookit, Ltd

*Defendants:* Commissioners for Her Majesty's Revenue and Customs