

**Parties to the main proceedings**

*Applicant:* Stryker EMEA Supply Chain Services BV

*Defendant:* Inspecteur van de Belastingdienst/Douane kantoor Rotterdam Rijnmond

**Operative part of the judgment**

Heading 9021 of the Combined Nomenclature of the Common Customs Tariff 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 Implementing Regulation (EU) No 1101/2014 of 16 October 2014, must be interpreted as meaning that medical implant screws such as those at issue in the main proceedings fall under that heading as those goods have characteristics which distinguish them from ordinary goods by the finish of their manufacture and their high degree of precision, as well as by their method of manufacture and the specificity of their purpose. In particular, the fact that medical implant screws such as those at issue in the main proceedings can be inserted in the body only by means of specific medical tools, not by means of ordinary tools, is a characteristic to be taken into consideration in order to distinguish those medical implant screws from ordinary products.

<sup>(1)</sup> OJ C 136, 18.4.2016.

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**Judgment of the Court (Second Chamber) of 26 April 2017 — European Commission v Federal Republic of Germany**

(Case C-142/16) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Environment — Directive 92/43/EEC — Article 6(3) — Conservation of natural habitats — Construction of a coal-fired power plant in Moorburg (Germany) — Natura 2000 areas situated upstream of that coal-fired power plant on the corridor of the Elbe river — Assessment of the implications of a plan or project for a protected site)*

(2017/C 195/06)

Language of the case: German

**Parties**

*Applicant:* European Commission (represented by: C. Hermes and E. Manhaeve, acting as Agents)

*Defendant:* Federal Republic of Germany (represented by T. Henze and J. Möller, acting as Agents, assisted by W. Ewer, Rechtsanwalt)

**Operative part of the judgment**

*The Court:*

1. Declares that, by authorising the construction of the coal-fired power plant in Moorburg, near Hamburg (Germany), without conducting an appropriate and comprehensive assessment of its implications, the Federal Republic of Germany has failed to fulfil its obligations under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
2. Dismisses the remainder of the action;
3. Orders each party to bear its own costs.

<sup>(1)</sup> OJ C 165, 10.5.2016.

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