

2. Article 2(3) of Directive 97/9 must be interpreted as meaning that, in a situation where claims fall within both the deposit-guarantee schemes provided for by Directive 94/19 and the investor-compensation schemes provided for by Directive 97/9, and the national legislature has not directed such claims to a scheme under one or other of those directives, the court dealing with the case may not decide itself, on the basis of that provision, which scheme the holders of those claims may benefit from. On the contrary, in such a situation it falls to the holders of the claims to choose to be compensated by one or other of the schemes laid down in national law to implement those two directives.
3. Article 1(1) of Directive 94/19, as amended by Directive 2009/14, and Article 1(4) and the second subparagraph of Article 2(2) of Directive 97/9, must be interpreted as being capable of being relied upon by individuals before the national courts in support of claims for compensation against a public undertaking entrusted, in a Member State, with the deposit-guarantee and investor-compensation schemes.

⁽¹⁾ OJ C 106, 21.3.2016.
OJ C 156, 2.5.2016.

Judgment of the Court (Grand Chamber) of 20 March 2018 — European Commission v Republic of Austria

(Case C-187/16) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directives 92/50/EEC and 2004/18/EC — Public service contracts — State printing office — Production of identity documents and other official documents — Award of contracts to an undertaking governed by private law without a procurement procedure first being conducted — Special security measures — Protection of the essential interests of the Member States)

(2018/C 166/04)

Language of the case: German

Parties

Applicant: European Commission (represented by: A. Tokár and B.-R. Killmann, acting as Agents)

Defendant: Republic of Austria (represented by: M. Fruhmann, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that, by having awarded, without an EU-wide call for tenders, service contracts for the production of chip passports, emergency passports, residence permits, identity cards, credit card-sized driving licences and credit card-sized vehicle registration certificates directly to Österreichische Staatsdruckerei GmbH and by maintaining national provisions which require contracting authorities to award those service contracts directly to that company, without an EU-wide call for tenders, the Republic of Austria has failed to fulfil its obligations under Article 4(2) and Article 8 of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts, read in conjunction with Articles 11 to 37 of that directive, and Article 14 and Article 20 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, read in conjunction with Articles 23 to 55 of that directive;
2. Dismisses the action as to the remainder;

3. Orders the Republic of Austria to bear its own costs and to pay four fifths of the costs of the European Commission, and the Commission to bear one fifth of its own costs.

⁽¹⁾ OJ C 191, 30.5.2016.

Judgment of the Court (Grand Chamber) of 13 March 2018 — Industrias Químicas del Vallés SA v European Commission

(Case C-244/16 P) ⁽¹⁾

(Appeal — Plant protection products — Implementing Regulation (EU) 2015/408 — Placing on the market of plant protection products and establishing a list of candidates for substitution — Inclusion of active substance metalaxyl in that list — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — Regulatory act that does not entail implementing measures — Individually concerned person)

(2018/C 166/05)

Language of the case: Spanish

Parties

Appellant: Industrias Químicas del Vallés SA (represented by: C. Fernández Vicién, C. Vila Gisbert and I. Moreno-Tapia Rivas, abogadas)

Other party to the proceedings: European Commission (represented by: I. Galindo Martín and P. Ondrůšek, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Industrias Químicas del Vallés SA to pay the costs.

⁽¹⁾ OJ C 260, 18.7.2016.

Judgment of the Court (Third Chamber) of 15 March 2018 (request for a preliminary ruling from the Finanzgericht Düsseldorf — Germany) — Deichmann SE v Hauptzollamt Duisburg

(Case C-256/16) ⁽¹⁾

(Reference for a preliminary ruling — Admissibility — Anti-dumping — Validity of a regulation seeking to implement a judgment of the Court declaring previous regulations invalid — Obligation to implement — Legal basis — Regulation (EC) No 1225/2009 — Article 14 — Setting of the criteria relating to the collection of anti-dumping duties by Member States — Direction suspending the repayment of anti-dumping duties by national customs authorities — Resumption of the proceeding that preceded the regulations declared invalid — Article 10 — Non-retroactivity — Community Customs Code — Article 221 — Time-bar — Article 236 — Repayment of duties not owed)

(2018/C 166/06)

Language of the case: German

Referring court

Finanzgericht Düsseldorf