

Operative part

The Court

1. Dismisses the appeal;
2. Orders CSTP Azienda della Mobilità SpA to pay the costs.

(¹) OJ C 399, 5.11.2018.

Judgment of the Court (Eighth Chamber) of 4 March 2020 (request for a preliminary ruling from the Administrativen sad — Varna — Bulgaria) — Teritorialna direktsiya ‘Severna morska’ kam Agentsiya Mitnitsi, successor in law to Mitnitsa Varna v Schenker EOOD

(Case C-655/18) (¹)

(Reference for a preliminary ruling — Customs union — Regulation (EU) No 952/2013 — Removal from customs supervision — Theft of goods placed under a customs warehousing procedure — Article 242 — Person responsible for the removal — Holder of the authorisation for customs warehousing — Penalty for failure to comply with the customs legislation — Article 42 — Obligation to pay a sum corresponding to the value of the missing goods — Combination with a pecuniary penalty — Proportionality)

(2020/C 161/11)

Language of the case: Bulgarian

Referring court

Administrativen sad — Varna

Parties to the main proceedings

Appellant in the appeal on a point of law: Teritorialna direktsiya ‘Severna morska’ kam Agentsiya Mitnitsi, successor in law to Mitnitsa Varna

Respondent in the appeal on a point of law: Schenker EOOD

Intervener: Okrazhna prokuratura — Varna

Operative part of the judgment

1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code must be interpreted as not precluding national legislation under which, in the event of theft of goods placed under a customs warehousing procedure, a pecuniary penalty is imposed on the holder of the customs warehousing authorisation for failure to comply with the customs legislation.
2. Article 42(1) of Regulation No 952/2013 must be interpreted as precluding national legislation under which, in the event of removal from customs supervision of goods placed under a customs warehousing procedure, the holder of the customs warehousing authorisation is required to pay, in addition to a pecuniary penalty, a sum corresponding to the value of those goods.

(¹) OJ C 4, 7.1.2019.