

**Reference for a preliminary ruling from the  
Verwaltungsgericht Gelsenkirchen (Germany) lodged on  
12 June 2012 — Michael Schwarz v Stadt Bochum**

(Case C-291/12)

(2012/C 273/06)

*Language of the case: German*

**Referring court**

Verwaltungsgericht Gelsenkirchen

**Parties to the main proceedings**

*Applicant:* Michael Schwarz

*Defendant:* Stadt Bochum

**Question referred**

Is Article 1(2) of Council Regulation (EC) No 2252/2004 <sup>(1)</sup> of 13 December 2004, as amended by Regulation (EC) No 444/2009 <sup>(2)</sup> of the European Parliament and of the Council of 6 May 2009, valid?

<sup>(1)</sup> Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1).

<sup>(2)</sup> Regulation (EC) No 444/2009 of the European Parliament and of the Council of 6 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2009 L 142, p. 1; corrected version: OJ 2009 L 188, p. 127).

**Action brought on 14 June 2012 — European Commission  
v Kingdom of Belgium**

(Case C-296/12)

(2012/C 273/07)

*Language of the case: Dutch*

**Parties**

*Applicant:* European Commission (represented by: R. Lyal and W. Roels, acting as Agents)

*Defendant:* Kingdom of Belgium

**Form of order sought**

— Declare that, by approving and maintaining in force tax relief on pension savings in so far as this applies only to payments to Belgian institutions and Belgian funds, the Kingdom of Belgium has failed to fulfil its obligations under the Treaty on the Functioning of the European Union, and in particular Articles 56 and 63 thereof;

— order the Kingdom of Belgium to pay the costs.

**Pleas in law and main arguments**

The Commission takes the view that the failure to grant tax relief for payments to institutions which are established in another Member State, while tax relief is available for payments to institutions established in Belgium, constitutes an impediment to the free movement of services both for recipients of those services and for providers which are not established in Belgium.

Likewise the Commission takes the view that the failure to grant tax relief for deposits in individual or collective accounts or payments of premiums for life insurance contracts with and to institutions established in another Member State, while tax relief is available for similar deposits with and payments to institutions established in Belgium, constitutes an impediment to the free movement of capital in the sense that Belgian depositors and policyholders are discouraged from holding deposits or taking out life insurance with an institution that is not established in Belgium because those deposits or life insurance contracts do not attract tax relief and are consequently less advantageous.

Those impediments are, according to the Commission, not justified on any grounds.

**Reference for a preliminary ruling from the Conseil d'État  
(France), lodged on 18 June 2012 — Confédération  
paysanne v Ministre de l'alimentation, de l'agriculture et  
de la pêche**

(Case C-298/12)

(2012/C 273/08)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* Confédération paysanne

*Defendant:* Ministre de l'alimentation, de l'agriculture et de la pêche

**Questions referred**

1. Do paragraphs 1 and 5 of Article 40 of Council Regulation (EC) No 1782/2003 of 29 September 2003, <sup>(1)</sup> regard being had to their wording, but also to their purpose, authorise Member States to base the right to revalorisation of the reference amount for farmers whose production has been