

Judgment of the Court (Fifth Chamber) of 6 October 2011
(reference for a preliminary ruling from the Tribunal
administratif de Limoges — France) — Philippe Bonnarde
v Agence de Services et de Paiement

(Case C-443/10) ⁽¹⁾

*(Free movement of goods — Quantitative restrictions —
Measures having equivalent effect — Importation, by a
person resident in a Member State, of a vehicle already
registered in another Member State — Ecological subsidy —
Conditions — Registration certificate attesting to the nature
of the demonstration vehicle)*

(2011/C 347/08)

Language of the case: French

Referring court

Tribunal administratif de Limoges

Parties to the main proceedings

Applicant: Philippe Bonnarde

Defendant: Agence de Services et de Paiement

Re:

Reference for a preliminary ruling — Tribunal administrative de
Limoges — Interpretation of Council Directive 1999/37/EC of
29 April 1999 on the registration documents for vehicles (OJ
1999 L 138, p. 57), amended by Commission Directive
2003/127/EC of 23 December 2003 (OJ 2004 L 10, p. 29)
— Importation, by a person resident in France, of a vehicle
already registered in another Member State — National legis-
lation making the grant of an environmental subsidy subject to
presentation of a registration certificate bearing the statement
'demonstration vehicle' — Quantitative restrictions — Measures
having equivalent effect

Operative part of the judgment

Articles 34 and 36 TFEU preclude legislation of a Member State from
requiring, for the award of the subsidy known as the 'bonus écologique
— Grenelle de l'environnement' to imported demonstration motor
vehicles at the time of registration in that Member State, that the
first registration document of those vehicles bear the words 'demon-
stration vehicle'.

⁽¹⁾ OJ C 317, 20.11.2010.

Judgment of the Court (Third Chamber) of 6 October 2011
(reference for a preliminary ruling from the Amtsgericht
Waldshut-Tiengen — Landwirtschaftsgericht — Germany)
— Rico Graf, Rudolf Engel v Landratsamt Waldshut —
Landwirtschaftsamt

(Case C-506/10) ⁽¹⁾

*(Agreement between the European Community and its
Member States, of the one part, and the Swiss Confederation,
of the other, on the free movement of persons — Equal
treatment — Self-employed frontier workers — Agricultural
lease — Agricultural structure — Legislation of a Member
State enabling an objection to be made to the contract if the
goods produced in national territory by the self employed
Swiss frontier farmers are intended to be exported, free of
duty, to Switzerland)*

(2011/C 347/09)

Language of the case: German

Referring court

Amtsgericht Waldshut-Tiengen — Landwirtschaftsgericht

Parties to the main proceedings

Applicant: Rico Graf, Rudolf Engel

Defendant: Landratsamt Waldshut — Landwirtschaftsamt

Re:

Reference for a preliminary ruling — Amtsgericht Waldshut-
Tiengen, Landwirtschaftsgericht — Interpretation of the
Agreement between the European Community and its
Member States, of the one part, and the Swiss Confederation,
of the other, on the free movement of persons, signed in
Luxembourg on 21 June 1999 (OJ 2002 L 114, p. 6) —
Objection by the competent authority of a Member State to
an agricultural tenancy agreement in respect of agricultural
land in that State and concluded with a Swiss farmer whose
business is established in Switzerland — National legislation
allowing such an objection, on the ground of a distortion of
competition, in respect of land used for the production of
agricultural products to be exported free of duty outside the
internal market

Operative part

The principle of equal treatment laid down in Article 15(1) of Annex
I to the Agreement between the European Community and its Member
States, of the one part, and the Swiss Confederation, of the other, on
the free movement of persons, signed in Luxembourg on 21 June
1999, precludes legislation of a Member State, such as that at
issue in the main proceedings, under which the competent authority
of that Member State may object to an agricultural lease — relating
to land located in a given area of the territory of that Member State
and concluded between a resident of that Member State and a frontier-
zone resident of the other contracting party — on the grounds that the

land leased is used for producing agricultural products intended for export, free of duty, outside the internal market of the European Union and so gives rise to distortion of competition, if the application of that legislation affects a much greater number of nationals of the other Contracting Party than nationals of the Member State on whose territory that legislation applies. It is for the national court to determine whether that latter situation in fact exists.

(¹) OJ C 30, 29.1.2011.

Reference for a preliminary ruling from the Fővárosi Bíróság (Budapest, Hungary) lodged on 11 July 2011 — Abed El Karem El Kott Mostafa and Others v Bevándorlási és Állampolgársági Hivatal, Hivatal, ENSZ Menekültügyi Főbiztosság

(Case C-364/11)

(2011/C 347/10)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicants: Abed El Karem El Kott Mostafa, Chadi Amin A Radi, Kamel Ismail Hazem

Defendants: Bevándorlási és Állampolgársági Hivatal, ENSZ Menekültügyi Főbiztosság

Questions referred

1. Do the benefits of the Directive (¹) mean recognition as a refugee, or either of the two forms of protection covered by the Directive (recognition as a refugee and the grant of subsidiary protection), according to the choice made by the Member State, or, possibly, neither automatically but merely inclusion within the scope *ratione personae* of the Directive?
2. Does cessation of the agency's protection or assistance mean residence outside the agency's area of operations, cessation of the agency and cessation of the possibility of receiving the agency's protection or assistance or, possibly, an invol-

untary obstacle caused by legitimate or objective reasons such that the person entitled thereto is unable to avail himself of that protection or assistance?

(¹) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12).

Reference for a preliminary ruling from the Budapest Metropolitan Court lodged on 1 August 2011 — Gábor Csonka and Others v Hungarian State

(Case C-409/11)

(2011/C 347/11)

Language of the case: Hungarian

Referring court

Fővárosi Bíróság

Parties to the main proceedings

Applicants: Gábor Csonka, Tibor Isztli, Dávid Juhász, János Kiss, Csaba Szontágh

Defendant: Hungarian State

Questions referred

1. At the time when the applicants caused the damage had the Hungarian State implemented Directive 72/166/EC (¹) having particular regard to the obligations set out in Article 3 of that directive? Must the directive thus be declared to have direct effect as regards the applicants?
2. According to the applicable Community law, may an individual whose rights have been prejudiced as a result of the fact that the State did not implement Directive 72/1966/EEC require that State to comply with the provisions of the directive by relying directly on the Community legislation vis-à-vis that negligent State in order to obtain the guarantees which that State should have offered him?