

citizens of the Union and for nationals of non-member countries — Different selection criteria applicable for the grant of the housing allowance to citizens of the Union and to nationals of non-member countries — Compatibility with Articles 2 and 6 TEU and with Articles 21 and 34 of the Charter of Fundamental Rights — Compatibility with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ 2000 L 180, p. 22) and with Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2003 L 16, p. 44) — Direct applicability of provisions of EU law — Compatibility with Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the ECHR') and Article 1 of Protocol No 12 thereto — Direct applicability of the ECHR pursuant to Article 6 TEU — Applicable sanctions for the purpose of Article 15 of Directive 2000/43/EC

Operative part of the judgment

1. *The first and fourth to seventh questions referred by the Tribunale di Bolzano in Case C-571/10 are inadmissible.*
2. *The reference made by Article 6(3) TEU to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, does not require the national court, in case of conflict between a provision of national law and that convention, to apply the provisions of that convention directly, disapplying the provision of domestic law incompatible with the convention.*
3. *Article 11(1)(d) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents must be interpreted as precluding a national or regional law, such as that at issue in the main proceedings, which provides, with regard to the grant of housing benefit, for different treatment for third country nationals enjoying the status of long-term resident conferred pursuant to the provisions of that directive compared to that accorded to nationals residing in the same province or region when the funds for the benefit are allocated, in so far as such a benefit falls within one of the three categories referred to in that provision and Article 11(4) of that directive does not apply.*

⁽¹⁾ OJ C 46, 12.2.2011.

Judgment of the Court (Third Chamber) of 26 April 2012 (reference for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Staatssecretaris van Financiën v L.A.C. van Putten (C-578/10), P. Mook (C-579/10), G. Frank (C-580/10)

(Joined Cases C-578/10 to C-580/10) ⁽¹⁾

(Articles 18 EC and 56 EC — Motor vehicles — Use in a Member State of a borrowed private motor vehicle which is registered in another Member State — Taxation of that vehicle in the first Member State on its first use on the national road network)

(2012/C 174/13)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Staatssecretaris van Financiën

Defendants: L.A.C. van Putten (C-578/10), P. Mook (C-579/10), G. Frank (C-580/10)

Re:

Reference for a preliminary ruling — Hoge Raad der Nederlanden — Interpretation of Article 18 EC (now Article 21 TFEU) — National rule imposing a registration tax on the first use of a vehicle on the national road network — Liability to tax of a person residing in the Member State in question who has borrowed a vehicle registered in another Member State from a person residing in that State for the purposes of private use for a brief period in the first Member State

Operative part of the judgment

Article 56 EC must be interpreted as meaning that it precludes legislation of a Member State which requires residents who have borrowed a vehicle registered in another Member State from a resident of that State to pay, on first use of that vehicle on the national road network, the full amount of a tax normally due on registration of a vehicle in the first Member State, without taking account of the duration of the use of that vehicle on that road network and without that person being able to invoke a right to exemption or reimbursement where that vehicle is neither intended to be used essentially in the first Member State on a permanent basis nor, in fact, used in that way.

⁽¹⁾ OJ C 72, 5.3.2011.