

legislation in regard to the passport for cats and ferrets which refers to the model and the additional requirements laid down in the aforementioned Commission Decision of 26 November 2003, yet in addition prescribes that every passport must bear a unique number consisting of thirteen characters, namely, 'BE', the ISO code for Belgium, followed by the identification number of the distributor consisting of two digits, and a serial number consisting of nine digits?

2. Is national legislation which in regard to the passport for cats and ferrets refers to the model and the additional requirements laid down in the aforementioned Commission Decision of 26 November 2003, yet in addition prescribes that every passport must bear a unique number consisting of thirteen characters, namely, 'BE', the ISO code for Belgium, followed by the identification number of the distributor consisting of two digits, and a serial number consisting of nine digits, a technical regulation within the meaning of Article 1 of Directive 98/34/EC⁽³⁾ of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations which, under Article 8 of that Directive, must be communicated to the European Commission before its enactment?

(Case C-60/10)

(Case C-61/10)

(Case C-62/10)

(Case C-63/10)

(Case C-64/10)

(Case C-65/10)

(Case C-66/10)

(Case C-67/10)

(Case C-68/10)

(2010/C 100/39)

*Language of the case: French***Referring court**

Conseil d'État

Parties to the main proceedings

Applicants: Monsanto SAS, Monsanto Agriculture France SAS, Monsanto International SARL, Monsanto Technology LLC (C-58/10), Monsanto SAS, Monsanto Agriculture France SAS, Monsanto International SARL, Monsanto Europe SA (C-59/10), Association générale des producteurs de maïs (AGPM) (C-60/10), SCEA de Malaprade, SCEA Coutin, Jérôme Huard, Dominique Richer, EARL de Candelon, Bernard Mir, EARL des Menirs, Marie-Jeanne Darricau, GAEC de Commenian (C-61/10), Pioneer Génétique, Pioneer Semences (C-62/10), Syndicat des établissements de semences agréés pour les semences de maïs (SEPROMA) (C-63/10), Caussade Semences SA (C-64/10), Société Limagrain Verneuil Holding (C-65/10), Société Maisadour Semences (C-66/10), Ragt Semences SA (C-67/10), Euralis Semences SAS, Euralis Coop (C-68/10)

Defendant: Ministre de l'Agriculture et de la Pêche**Questions referred**

1. Where a genetically modified organism constituting feed was placed on the market prior to the publication of Regulation (EC) No 1829/2003⁽¹⁾ and the authorisation is maintained in force pursuant to Article 20 of that regulation, must the product at issue be regarded, before a decision has been taken on the application for new authorisation which must be submitted pursuant to the regulation, as among the products to which the provisions of Article 12 of Directive 2001/18/EC⁽²⁾ cited in the grounds of the present decision refer and, in that event, is the genetically modified organism subject, with respect to the emergency measures which may be adopted after the issue of authorisation to place it on the market, only to Article 34 of Regulation (EC) No 1829/2003 or, on the contrary, may such measures be adopted by a Member State on the basis of Article 23 of the directive and the national provisions transposing it?

⁽¹⁾ OJ 2003 L 146, P. 1.

⁽²⁾ OJ 2003 L 312, p. 1.

⁽³⁾ OJ 1998 L 204, p. 37.

References for a preliminary ruling from the Conseil d'État (France) lodged on 3 February 2010 in Cases — Monsanto SAS, Monsanto Agriculture France SAS, Monsanto International SARL, Monsanto Technology LLC v Ministre de l'Agriculture et de la Pêche — Monsanto SAS, Monsanto Agriculture France SAS, Monsanto International SARL, Monsanto Europe SA v Ministre de l'Agriculture et de la Pêche — Association générale des producteurs de maïs (AGPM) v Ministre de l'Agriculture et de la Pêche — SCEA de Malaprade, SCEA Coutin, Jérôme Huard, Dominique Richer, EARL de Candelon, Bernard Mir, EARL des Menirs, Marie-Jeanne Darricau, GAEC de Commenian v Ministre de l'Agriculture et de la Pêche — Pioneer Génétique, Pioneer Semences v Ministre de l'Agriculture et de la Pêche — Syndicat des établissements de semences agréés pour les semences de maïs (SEPROMA) v Ministre de l'Agriculture et de la Pêche — Caussade Semences SA v Ministre de l'Agriculture et de la Pêche — Société Limagrain Verneuil Holding v Ministre de l'Agriculture et de la Pêche — Société Maisadour Semences v Ministre de l'Agriculture et de la Pêche — Ragt Semences SA v Ministre de l'Agriculture et de la Pêche — Euralis Semences SAS, Euralis Coop v Ministre de l'Agriculture et de la Pêche

(Case C-58/10)

(Case C-59/10)

2. On the assumption that emergency measures may be adopted only within the framework of Article 34 of Regulation (EC) No 1829/2003, may the authorities of a Member State adopt, and under what circumstances, a measure such as the contested order ⁽³⁾ on grounds of the containment of risk as referred to in Article 53 of Regulation (EC) No 178/2002 ⁽⁴⁾ or by way of the interim protective measures which may be adopted by a Member State on the basis of Article 54 of the same regulation?
3. On the assumption that the authorities of a Member State may intervene on the basis of Article 23 of Directive 2001/18/EC or on the basis of Article 34 of Regulation (EC) No 1829/2003, or on both of those legal bases, the application raises the question as to what degree of requirement, taking into account in particular the precautionary principle, is imposed, respectively, by Article 23 of the directive under which the adoption of emergency measures such as a suspension of the use or provisional prohibition against use of the product is subject to the condition that the Member State must have 'detailed grounds for considering that a GMO ... constitutes a risk to ... the environment' and by Article 34 of the regulation under which the adoption of such a measure is subject to the condition that it be 'evident' that the product is 'likely to constitute a serious risk to ... the environment', in terms of identifying the risk, evaluating its probability and assessing the nature of its effects?

- ⁽¹⁾ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ 2003, L 268, p. 1)
- ⁽²⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ 2001, L 106, p. 1)
- ⁽³⁾ Order of 5 December 2007 in Case C-58/10; order of 7 February 2008, as amended by the order of 13 February 2008, in Cases C-59/10 to C-68/10.
- ⁽⁴⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ 2002, L 31, p. 1).

Reference for a preliminary ruling from the Tribunal administratif (Luxembourg) lodged on 5 February 2010 — Brahim Samba Diouf v Ministre du Travail, de l'Emploi et de l'Immigration

(Case C-69/10)

(2010/C 100/40)

Language of the case: French

Referring court

Tribunal administratif

Parties to the main proceedings

Applicant: Brahim Samba Diouf

Defendant: Ministre du Travail, de l'Emploi et de l'Immigration

Questions referred

1. Is Article 39 of Directive 2005/85/EC ⁽¹⁾ to be interpreted as precluding national rules such as those established in the Grand Duchy of Luxembourg by Article 20(5) of the Amended Law of 5 May 2006 on the right of asylum and complementary forms of protection, pursuant to which an applicant for asylum does not have a right to appeal to a court against the administrative authority's decision to rule on the merits of the application for international protection under the accelerated procedure?
2. If the answer is in the negative, is the general principle of an effective remedy under Community law, prompted by Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, to be interpreted as precluding national rules such as those established in the Grand Duchy of Luxembourg by Article 20(5) of the Amended Law of 5 May 2006 on the right of asylum and complementary forms of protection, pursuant to which an applicant for asylum does not have a right to appeal to a court against the administrative authority's decision to rule on the merits of the application for international protection under the accelerated procedure?

- ⁽¹⁾ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ 2005 L 326, p. 13).

Reference for a preliminary ruling from the Corte Suprema di Cassazione (Italy) lodged on 9 February 2010 — Criminal proceedings against Marcello Costa

(Case C-72/10)

(2010/C 100/41)

Language of the case: Italian

Referring court

Corte Suprema di Cassazione