7. To what extent may Member State courts rely on the interpretation of Council Regulation (EC) No 1472/2006 made by the Court of Justice in the framework of cases C-249/10 P Brosmann and C-247/10 P Zhejiang Aokang to consider that duties were not legally owed within the meaning of Article 236 of the Community Customs Code [Council Regulation 2913/92 ([3])] for companies that, just as the Appellants in the Brosmann and Zhejiang Aokang cases, were not sampled but did submit market economy treatment and individual treatment requests that were not examined?

([1]) Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitely the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam
OJ L 275, p. 1
([2]) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community
OJ L 56, p. 1
([3]) Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code
OJ L 302, p. 1

Request for a preliminary ruling from the Administratīvā apgabaltiesa (Latvia) lodged on 13 December 2013 — VAS 'Ceļu satiksmes drošības direkcija', Latvijas Republikas Satiksmes ministrija

(Case C-664/13)

(2014/C 71/15)

Language of the case: Latvian

Referring court

Administratīvā apgabaltiesa

Parties to the main proceedings

Appellants: VAS 'Ceļu satiksmes drošības direkcija', Latvijas Republikas Satiksmes ministrija

Respondent: K. Nīmanis

Question referred

Must Article 12 of Directive 2006/126/EC ([1]) of the European Parliament and of the Council of 20 December 2006 on driving licences, in conjunction with the first sentence of the second recital in the preamble thereto, be interpreted as precluding legislation of a Member State which provides that the only means of proving that a person is normally resident in that State (Latvia) is the declared residence of that person? 'Declared residence' must be understood as meaning the obligation of the person, in accordance with the national legislation, to be registered in a state register, in order to notify his accessibility at the declared residence for the purposes of his legal relations with the State and the local authorities.

([1]) OJ 2006 L 403, p. 18.

Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on 17 December 2013 — VĮ 'Indėlių ir investicijų draudimas' and Nemaniūnas

(Case C-671/13)

(2014/C 71/16)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Appellants in cassation: VĮ 'Indėlių ir investicijų draudimas' and Virgilijus Vidutis Nemaniūnas

Other parties: Vitoldas Guliavičius and the bank 'Snoras', an insolvent public limited company

Questions referred

1. Is Article 7(2) of Directive 94/19, ([1]) applied in conjunction with point 12 of Annex I to that directive, to be understood and interpreted as meaning that, where a Member State excludes from the guarantee depositors of a credit institution who possess debt securities (certificates of deposit) issued by that institution, that exclusion can be applied only in the event that the abovementioned certificates of deposit fully conform to (possess) all the features characterising them as financial instruments within the meaning of Directive 2004/39 ([2]) (having regard also to other measures of European Union law, for example, Regulation (EC) No 25/2009 of the European Central Bank), inter alia their negotiability on a secondary financial market?

2. If the relevant Member State elects to transpose Directives 94/19 and 97/9 ([3]) into national law in such a way that schemes for depositor and investor protection are laid down in a single legal measure (a law), are Article 7(2) of Directive 94/19, applied in conjunction with point 12 of Annex I to that directive, and Article 2(2) of Directive 97/9, taking account of Article 2(3) of Directive 97/9, to be understood and interpreted as meaning that it is not possible for no protection (guarantee) scheme for the purposes of the abovementioned directives to apply to holders of certificates of deposit and of bonds?

3. Having regard to the fact that under national legislation none of the possible protection schemes provided for in Directives 94/19 and 97/9 is applicable to holders of certificates of deposit and bonds issued by a credit institution:

   (a) Do Article 3(1), Article 7(1) (as subsequently amended by Directive 2009/14) and Article 10(1) of Directive 94/19, in conjunction with Article 1(1) of that directive which defines the term 'deposit', display the necessary clarity, detail and unconditionality and confer rights on individuals, so that they could be relied upon by individuals before a national court to found their claims for payment of compensation against the insurer which has been established by the State and is responsible for making payment?

   (b) Do Articles 2(2) and 4(1) of Directive 97/9 display the necessary clarity, detail and unconditionality and confer rights on individuals, so that they could be relied upon by individuals before a national court to found their claims for payment of compensation against the insurer which has been established by the State and is responsible for making payment?

   (c) Should the above questions (3(a) and 3(b)) be answered in the affirmative, which of the two possible protection regimes must a national court choose to apply when deciding a dispute between a private person and a credit institution and involving the participation of the insurer, established by the State, responsible for administration of the depositor and investor protection schemes?

4. Are Articles 2(2) and 4(2) of Directive 97/9 (in conjunction with Annex I to that directive) to be understood and interpreted as precluding national legislation under which the investor-compensation scheme is not applicable to investors who possess debt securities issued by a credit institution by reason of the type of financial instrument (debt securities) and having regard to the fact that the entity with insurance (the credit institution) has not transferred or used investors' funds or securities without the investor's consent? Is it relevant to the interpretation of the abovementioned provisions of Directive 97/9, as regards investor protection, that the credit institution which has issued the debt securities — the issuer — is at the same time also the custodian of those financial instruments (intermediary) and that the investors' funds are not separated from other funds of the credit institution?

(1) Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes (OJ 1994 L 135, p. 5).

(2) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ 2004 L 145, p. 1).

(3) Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes (OJ 1997 L 84, p. 22).

Appeal brought on 17 December 2013 by European Commission against the judgment of the General Court (Second Chamber) delivered on 8 October 2013 in Case T-545/11: Stichting Greenpeace Nederland and Pesticide Action Network Europe (PAN Europe) v European Commission

(Case C-673/13 P)

(2014/C 71/17)

Language of the case: English

Parties

Appellant: European Commission (represented by: B. Smulders, P. Oliver, P. Ondrůšek, Agents)

Other parties to the proceedings: Stichting Greenpeace Nederland, Pesticide Action Network Europe (PAN Europe)

Form of order sought

The appellant claims that the Court should:

— quash the judgment of the General Court;

— pursuant to Article 61 of the Statute of the Court, either give a final ruling on the first and third pleas itself or refer the case back to the General Court for a ruling on those please; and

— order the respondents to pay the costs.

Pleas in law and main arguments

The Appeal consists of one plea, namely that the General Court misconstrued the concept of information which 'relates to emissions into the environment' in the first sentence of Article 6(1) of Regulation (EC) No. 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (1) ('the Aarhus Regulation'), dismissing the Commission's view that this concept must be interpreted in a consistent and harmonious way in the light of the other provisions in issue. There are three branches to this plea:

(i) the General Court erred in disregarding the need to ensure the 'internal' consistency of Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (2) read with Article 6(1) of the Aarhus Regulation, as understood in the light of Article 4(4) of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention');