

Parties to the main proceedings

Appellant: Maria Bosneaga

Respondent: Instituția Prefectului — Județul Constanța — Serviciul Public Comunitar Regim Permise de Conducere și Înmatriculare a Vehiculelor

Question referred

Does Article 110 TFEU preclude the creation, under Article 4(d) of Decree-Law No 9/2013, of an obligation to pay an environmental stamp duty in respect of second-hand motor vehicles originating in the European Union when ownership of a second-hand motor vehicle is registered if a judicial authority has ordered that that motor vehicle is to be registered without payment of the special tax on automobiles and motor vehicles, the pollution tax for motor vehicles or the tax on pollutant emissions from motor vehicles, or has ordered that those taxes are to be refunded?

Request for a preliminary ruling from the Curtea de Apel Constanța (Romania) lodged on 21 May 2015 — Dinu Antoci v Instituția Prefectului — Județul Constanța — Serviciul Public Comunitar Regim Permise de Conducere și Înmatriculare a Vehiculelor

(Case C-236/15)

(2015/C 270/18)

Language of the case: Romanian

Referring court

Curtea de Apel Constanța

Parties to the main proceedings

Appellant: Dinu Antoci

Respondent: Instituția Prefectului — Județul Constanța — Serviciul Public Comunitar Regim Permise de Conducere și Înmatriculare a Vehiculelor

Question referred

Does Article 110 of the Treaty on the Functioning of the European Union preclude the creation, under Article 4(a) of Decree-Law No 9/2013, of an obligation to pay an environmental stamp duty in respect of second-hand motor vehicles originating in the European Union when the acquisition of ownership of a motor vehicle is registered with the competent authorities under Romanian law by its first owner in Romania and a registration certificate and registration number are issued?

Appeal brought on 22 May 2015 by RFA International, LP against the judgment of the General Court (Second Chamber) delivered on 17 March 2015 in Case T-466/12: RFA International, LP v European Commission

(Case C-239/15 P)

(2015/C 270/19)

Language of the case: English

Parties

Appellant: RFA International, LP (represented by: B. Evtimov, lawyer, Prof. D. O'Keeffe, Solicitor, E. Borovikov, lawyer)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- Set aside the judgment of the General Court;
- Give a final judgment on the pleas of the appellant's action for annulment where the stage of the procedure so permits, and partially annul the decisions contested at first instance;
- In the alternative, refer the case for reconsideration to the General Court;
- Order the Commission to pay the costs.

Pleas in law and main arguments

The Appellant submits that the General Court infringed EU law in its appraisal of the appellant's pleas in law in its judgment as follows:

- The General Court erred in its legal assessment of the Commission's position on the relevance of a single economic entity (an integrated sales department of the exporting producer, located outside of the country of export) for the purposes of applying Article 2(9) of Council Regulation (EC) No 1225/2009 ⁽¹⁾ ('the Basic Anti-dumping Regulation') and erred in law by abstaining from ruling on the arguments of the Appellant based on the case law in *Interpipe and Nikopolsky*, thereby affecting the appellant's right to judicial review,
- The General Court erred in law, including in its assessment of the case law it examined, when it placed the burden of proof concerning the extent of the amount of adjustment under Article 2(9) of the Basic Anti-dumping Regulation on the interested party who claims that the adjustment is excessive on account of a demonstrated existence of a single economic entity;
- The General Court erred in law by ruling that the existence of a single economic entity was not an issue in the contested decisions and before the General Court, and by basing its ruling on the premise that the Commission's rejection of the existence of a single economic entity was not contained in the text of the contested decisions; the General Court failed to assess that such a rejection by the Commission was made in the parallel interim review investigation conducted pursuant to Article 11(3) of the Basic Anti-dumping Regulation, relating to the same imports and covering the same investigation period.

⁽¹⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (codified version), OJ L 343, p. 51

Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco (Spain) lodged on 1 June 2015 — Gorka Salaberria Sorondo v Academia Vasca de Policía y Emergencias

(Case C-258/15)

(2015/C 270/20)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia del País Vasco