

Request for a preliminary ruling from the Verwaltungsgericht Oldenburg (Germany) lodged on 13 November 2017 — ReFood GmbH & Co. KG v Landwirtschaftskammer Niedersachsen

(Case C-634/17)

(2018/C 052/21)

Language of the case: German

Referring court

Verwaltungsgericht Oldenburg

Parties to the main proceedings

Applicant: ReFood GmbH & Co. KG

Defendant: Landwirtschaftskammer Niedersachsen

Questions referred

The following questions on the interpretation of Article 1(3)(d) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste ⁽¹⁾ are referred for a preliminary ruling:

1. Is the provision to be interpreted as an exemption which applies to all shipments which, pursuant to Article 2 of Regulation (EC) No 1069/2009, ⁽²⁾ come within the scope of that latter regulation?
2. If the first question should be answered in the negative:

Is the provision to be interpreted as an exemption which applies to shipments which are subject to rules regarding collection, transport, identification and traceability pursuant to Regulation (EC) No 1069/2009, read also in conjunction with Implementing Regulation (EU) No 142/2011? ⁽³⁾

3. If the second question should be answered in the negative:

Is the provision to be interpreted as an exemption which applies only to those shipments which are consignments requiring consent pursuant to Article 48(1) of Regulation (EC) No 1069/2009?

⁽¹⁾ OJ 2006 L 190, p. 1.

⁽²⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ 2009 L 300, p. 1).

⁽³⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ 2011 L 54, p. 1).

Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Lithuania) lodged on 15 November 2017 — Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos v ‘Skonis ir kvapas’ UAB

(Case C-638/17)

(2018/C 052/22)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Appellant: Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos

Other party: ‘Skonis ir kvapas’ UAB