

Parties to the main proceedings

Applicant: Cruz & Companhia Lda

Defendants: Instituto de Financiamento da Agricultura e Pescas, IP (IFAP), Caixa Central — Caixa Central de Crédito Agrícola Mútuo, CRL

Operative part of the judgment

Article 19(1)(a) of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products, as amended by Commission Regulation (EC) No 3403/93 of 10 December 1993, must be interpreted as meaning that the guarantee furnished by an exporter to ensure the repayment of the advance received by way of export refund must not be considered to be extinguished even where it is established that the exporter submitted the acceptance of the export declaration, proof that the goods left the customs territory of the European Union within a maximum period of 60 days after that acceptance, and the proof of clearance of those products through customs in the importing third country, if the other conditions for the grant of the refund, in particular the condition of sound and fair marketable quality of the products exported, provided for in Article 13 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products, as amended by Commission Regulation (EC) No 1829/94 of 26 July 1994, are not satisfied.

⁽¹⁾ OJ C 171, 15.6.2013.

Judgment of the Court (Grand Chamber) of 2 December 2014 (requests for a preliminary ruling from the Raad van State — Netherlands) — A (C-148/13), B (C-149/13), C (C-150/13) v Staatssecretaris van Veiligheid en Justitie

(Joined Cases C-148/13 to C-150/13) ⁽¹⁾

(References for a preliminary ruling — Area of freedom, security and justice — Directive 2004/83/EC — Minimum standards for granting refugee status or subsidiary protection status — Article 4 — Assessment of facts and circumstances — Methods of assessment — Acceptance of certain types of evidence — Extent of the competent national authority's powers — Fear of persecution on grounds of sexual orientation — Differences between, on the one hand, the limitations that apply to the verification of statements and documentary or other evidence as regards the declared sexual orientation of an applicant for asylum and, on the other hand, those that apply to the verification of those elements as regards other grounds for persecution — Directive 2005/85/EC — Minimum standards in respect of procedures in Member States for granting and withdrawing refugee status — Article 13 — Requirements for a personal interview — Charter of Fundamental Rights of the European Union — Article 1 — Human dignity — Article 7 — Respect for private and family life)

(2015/C 046/05)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicants: A (C-148/13), B (C-149/13), C (C-150/13)

Defendant: Staatssecretaris van Veiligheid en Justitie

Intervener: United Nations High Commissioner for Refugees (UNHCR)

Operative part of the judgment

- 1) Article 4(3)(c) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted and Article 13(3)(a) of Council Directive 2005/85/EC of 1 December 2005, on minimum standards on procedures in Member States for granting and withdrawing refugee status, must be interpreted as precluding, in the context of the assessment by the competent national authorities, acting under the supervision of the courts, of the facts and circumstances concerning the declared sexual orientation of an applicant for asylum, whose application is based on a fear of persecution on grounds of that sexual orientation, the statements of that applicant and the documentary and other evidence submitted in support of his application being subject to an assessment by those authorities, founded on questions based only on stereotyped notions concerning homosexuals.
- 2) Article 4 of Directive 2004/83, read in the light of Article 7 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding, in the context of that assessment, the competent national authorities from carrying out detailed questioning as to the sexual practices of an applicant for asylum.
- 3) Article 4 of Directive 2004/83, read in the light of Article 1 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding, in the context of that assessment, the acceptance by those authorities of evidence such as the performance by the applicant for asylum concerned of homosexual acts, his submission to 'tests' with a view to establishing his homosexuality or, yet, the production by him of films of such acts.
- 4) Article 4(3) of Directive 2004/83 and Article 13(3)(a) of Directive 2005/85 must be interpreted as precluding, in the context of that assessment, the competent national authorities from finding that the statements of the applicant for asylum lack credibility merely because the applicant did not rely on his declared sexual orientation on the first occasion he was given to set out the ground for persecution.

⁽¹⁾ OJ C 171, 15.6.2013.

Judgment of the Court (Grand Chamber) of 2 December 2014 — European Commission v Italian Republic

(Case C-196/13) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directives 75/442/EEC, 91/689/EEC and 1999/31/EC — Waste management — Judgment of the Court establishing a failure to fulfil obligations — Non-compliance — Article 260(2) TFEU — Financial penalties — Penalty payment — Lump sum payment)

(2015/C 046/06)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: D. Recchia, A. Alcover San Pedro and E. Sanfrutos Cano, acting as Agents)

Defendant: Italian Republic (represented by: G. Palmieri, acting as Agent, and by G. Fiengo, avvocato dello Stato)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt all the measures necessary to ensure compliance with the judgment in *Commission v Italy* (C-135/05, EU:C:2007:250), the Italian Republic has failed to fulfil its obligations under Article 260(1) TFEU;