

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Issam Anbouba to bear his own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 45, 15.2.2014.

Judgment of the Court (Tenth Chamber) of 23 April 2015 (request for a preliminary ruling from the Tribunalul București — Romania) — SC ALKA CO SRL v Autoritatea Națională a Vămirilor — Direcția Regională pentru Accize și Operațiuni Vamale Galați, formerly Autoritatea Națională a Vămirilor — Direcția Regională pentru Accize și Operațiuni Vamale Constanța, Direcția Generală a Finanțelor Publice a Municipiului

(Case C-635/13) ⁽¹⁾

(Reference for a preliminary ruling — Common customs tariff — Tariff classification — Combined Nomenclature — Heading 1207 — Oilseeds — Heading 1209 — Seeds for sowing — Heading 1212 — Seeds principally used for human foodstuffs, not specified or included elsewhere — Import of raw shelled pumpkin seeds originating from China)

(2015/C 205/09)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: SC ALKA CO SRL

Defendants: Autoritatea Națională a Vămirilor — Direcția Regională pentru Accize și Operațiuni Vamale Galați, formerly Autoritatea Națională a Vămirilor — Direcția Regională pentru Accize și Operațiuni Vamale Constanța, Direcția Generală a Finanțelor Publice a Municipiului

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It is for the referring court, in order to make a tariff classification of the pumpkin seeds at issue in the main proceedings, to ascertain whether those seeds are normally used for the extraction of edible or industrial oils and fats, but are not covered by headings 1201 to 1206 of the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, in the versions resulting, successively, from Commission Regulation (EC) No 1549/2006 of 17 October 2006 and Commission Regulation (EC) No 1214/2007 of 20 September 2007. If that is the case, those seeds must be classified under heading 1207 of the Combined Nomenclature because they are oilseeds, whether or not they are actually used for the extraction of edible or industrial oils and fats or for sowing or human consumption. If that is not the case, those seeds will come under heading 1209 of the Combined Nomenclature if they could still be germinated when they were imported, whether or not they are actually used for the extraction of edible or industrial oils and fats or for sowing or human consumption, or under heading 1212 of the Combined Nomenclature if they could not still be germinated.

⁽¹⁾ OJ C 39, 8.2.2014.