

By order of 15 June 2023, the General Court (Chamber determining whether appeals may proceed) ordered that the appeal is not allowed to proceed and that the appellant shall bear its own costs.

---

**Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on 26 April 2023 — A. S.A. v Dyrektor Izby Administracji Skarbowej w Bydgoszczy**

**(Case C-266/23, Dyrektor Izby Administracji Skarbowej w Bydgoszczy)**

(2023/C 278/24)

*Language of the case: Polish*

**Referring court**

Naczelny Sąd Administracyjny

**Parties to the main proceedings**

*Appellant:* A. S.A.

*Respondent:* Dyrektor Izby Administracji Skarbowej w Bydgoszczy

**Questions referred**

1. Can Article 17(1)(a) of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity<sup>(1)</sup> be understood as meaning that only the purchase price of the electricity itself, to the exclusion of any additional charges, for example a distribution charge, which must be borne under the legislation in force in a Member State in order to purchase electricity, must be included in the actual cost of the energy purchased?
2. Must Article 17(1)(a) of Directive 2003/96 be interpreted as precluding the exclusion of an exemption from excise duty on the purchase of electricity for an energy-intensive business [Article 31d(1) of the Ustawa z 6 grudnia 2008 r. o podatku akcyzowym (Law of 6 December 2008 on excise duty (Dz. U. of 2022, item 143)) in the event that that business benefits from an object-specific exemption from excise duty under national legislation (Article 30(7a) of the Law on excise duty), when that business demonstrates that, in relation to the same energy, it does not benefit from those two exemptions simultaneously, and assuming that the total amount of the exemptions does not exceed the amount of excise duty paid for the same period of time?

---

<sup>(1)</sup> OJ 2003 L 283, p. 51.

---

**Request for a preliminary ruling from the Cour de cassation (Belgium) lodged on 2 May 2023 — FB, JL v Procureur du Roi près du Tribunal de Première Instance d'Eupen**

**(Case C-283/23, Marhon<sup>(1)</sup>)**

(2023/C 278/25)

*Language of the case: French*

**Referring court**

Cour de cassation

**Parties to the main proceedings**

*Applicants:* FB, JL

*Defendant:* Procureur du Roi près du Tribunal de Première Instance d'Eupen

### Question referred

Are Articles 1, 2(3) and 3 of Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments <sup>(2)</sup> applicable to the use, by judicial or police authorities, of non-automatic weighing instruments for the purposes of determining the mass of vehicles for the application of national legislation or regulations, which are subject to criminal penalties, and which — such as (i) Articles 41(3)(1) and 43(3)(1) of the Law of 15 July 2013 on road haulage and implementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC <sup>(3)</sup> and implementing Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market <sup>(4)</sup> and (ii) Articles 21, first paragraph, point 5 and 35(4) of the Royal Decree of 22 May 2014 on road haulage — prohibit the use on the road of vehicles whose measured mass exceeds the maximum authorised mass?

<sup>(1)</sup> The name of this case is fictitious. It is not the name of any of the parties to the proceedings.

<sup>(2)</sup> OJ 2014 L 96, p 107.

<sup>(3)</sup> OJ 2009 L 300, p. 51.

<sup>(4)</sup> OJ 2009 L 300, p. 72.

---

### Request for a preliminary ruling from the Verwaltungsgericht Gießen (Germany) lodged on 26 May 2023 — GM v Federal Republic of Germany

(Case C-333/23, Habonov <sup>(1)</sup>)

(2023/C 278/26)

Language of the case: German

### Referring court

Verwaltungsgericht Gießen

### Parties to the main proceedings

Applicant: GM

Defendant: Federal Republic of Germany

### Questions referred

1. Are Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union to be interpreted as meaning that they preclude the provisions on the remuneration of judges in force in the Member State of the referring court, such as follow from the Gesetz zur weiteren Anpassung der Besoldung und Versorgung im Jahr 2023 sowie im Jahr 2024 (Law on the further adjustment of remuneration and pensions of civil servants in 2023 and 2024) of the Land Hesse (Drucksache20/9499 of the Landtag of Hesse), if, at the end of a period to be determined by the Court of Justice which begins on notification of the decision of the Court, the Land of Hesse has not adopted legislation on the remuneration of judges which complies with European standards?
2. Are Article 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union, read in conjunction with Articles 2, 3 and 6 of Council Directive 2000/78/EC <sup>(2)</sup> of 27 November 2000 establishing a general framework for equal treatment in employment and occupation to be interpreted as meaning that they preclude that the remuneration of judges in Grade R 6 of the Bundesbesoldungsgesetz (Federal Law on remuneration of civil servants) in the Member State of the referring court be linked to the condition of having reached the age of 35, with the result that the judges of that Member State who have hitherto received a remuneration that is lower than that of Grade R 6 of the Federal Law on remuneration of civil servants, must be paid at the level of the amount laid down for Grade R 6 of the Federal Law on remuneration of civil servants, and that those judges of the Member State of the referring court, who, under national legislation, have applied for remuneration appropriate to their role for previous financial years or have brought an action against their inappropriate remuneration for the previous financial years, may claim the difference in remuneration compared to Grade R 6 of the Federal Law on remuneration of civil servants for the previous years in which they were active?

<sup>(1)</sup> The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

<sup>(2)</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

---