

Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 16 October 2013 — Douane Advies Bureau Rietveld v Hauptzollamt Hannover

(Case C-541/13)

(2014/C 9/30)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Douane Advies Bureau Rietveld

Defendant: Hauptzollamt Hannover

Question referred ⁽¹⁾

Is the concept of 'reagent', as used in the phrase 'diagnostic or laboratory reagents' in tariff heading 3822 of the CN, to be interpreted as meaning a substance which by means of its chemical transformation as a result of a chemical reaction on or with a substance under investigation is used to indicate a state or property of the latter substance?

⁽¹⁾ Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1) as amended by Commission Implementing Regulation (EU) No 927/2012 of 9 October 2012 (OJ 2012 L 304, p. 1).

Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 28 October 2013 — Z. Zh.; other party: Staatssecretaris van Veiligheid en Justitie and Staatssecretaris van Veiligheid en Justitie; other party: I.O.

(Case C-554/13)

(2014/C 9/31)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellant: Z. Zh.

Other party: Staatssecretaris van Veiligheid en Justitie

and

Appellant: Staatssecretaris van Veiligheid en Justitie

Other party: I.O.

Questions referred

1. Does a third-country national who is staying illegally within the territory of a Member State pose a risk to public policy, within the meaning of Article 7(4) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008 L 348; 'the Return Directive'), merely because he is suspected of having committed a criminal offence under national law, or is it necessary that he should have been convicted in a criminal court for the commission of that offence and, in the latter case, must that conviction have become final and absolute?
2. In the assessment as to whether a third-country national who is staying illegally within the territory of a Member State poses a risk to public policy within the meaning of Article 7(4) of the Return Directive, do other facts and circumstances of the case, in addition to a suspicion or a conviction, also play a role, such as the severity or type of criminal offence under national law, the time that has elapsed and the intention of the person concerned?
3. Do the facts and circumstances of the case which are relevant to the assessment referred to in Question 2 also have a role to play in the option provided for in Article 7(4) of the Return Directive, in a case where the person concerned poses a risk to public policy within the meaning of that provision, of being able to choose between, on the one hand, refraining from granting a period for voluntary departure and, on the other hand, granting a period for voluntary departure which is shorter than seven days?

Request for a preliminary ruling from the Cour du travail de Bruxelles (Belgium) lodged on 31 October 2013 — Centre public d'action sociale d'Ottignies-Louvain-La-Neuve v Moussa Abdida

(Case C-562/13)

(2014/C 9/32)

Language of the case: French

Referring court

Cour du travail de Bruxelles

Parties to the main proceedings

Appellant: Centre public d'action sociale d'Ottignies-Louvain-La-Neuve

Respondent: Moussa Abdida

Questions referred

1. On a proper construction of Directives 2004/83/EC, ⁽¹⁾ 2005/85/EC ⁽²⁾ and 2003/9/EC, ⁽³⁾ is a Member State which provides that a foreign national has the right to subsidiary protection for the purposes of Article 15(b) of Directive 2004/83/EC if that person 'suffers from an illness which is of such a kind as to entail a real risk to his life or physical integrity or a real risk of inhuman or degrading treatment where there is no adequate treatment for that illness in his country of origin' under an obligation to
 - provide for a remedy with suspensive effect in respect of the administrative decision refusing leave to remain and/or subsidiary protection, and ordering the person to leave the territory of that State,
 - make provision under its social security or reception system for the basic needs of the person applying for subsidiary protection (other than his medical needs) to be met pending a ruling on his appeal against that administrative decision?
2. If the answer to Question 1 is in the negative, does the Charter of Fundamental Rights — and, in particular, Articles 1 to 3 (human dignity, right to life and integrity), Article 4 (prohibition of inhuman or degrading treatment), Article 19(2) (right not to be removed to a State where there is a serious risk of inhuman or degrading treatment), Articles 20 and 21 (equality and non-discrimination as compared with other categories of applicants for subsidiary protection) and/or Article 47 (right to an effective remedy) of that Charter — place a Member State in course of transposing Directives 2004/83/EC, 2005/85/EC and 2003/9/EC into national law under an obligation to make provision for a remedy with suspensive effect and for the requisite means of meeting the basic needs referred to in Question 1?

⁽¹⁾ 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 (OJ 2004 L 304, p. 2).

⁽²⁾ Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ 2005 L 326, p. 13).

⁽³⁾ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ 2003 L 31, p. 18).

Appeal brought on 31 October 2013 by Planet AE Anonymi Etaireia Parochis Symvouleftikon Ypiresion against the order of the General Court (Seventh Chamber) delivered on 9 September 2013 in Case T-489/12 Planet v Commission

(Case C-564/13 P)

(2014/C 9/33)

Language of the case: Greek

Parties

Appellant: Planet AE Anonymi Etaireia Parochis Symvouleftikon Ypiresion (represented by: V. Christianos, lawyer)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the order of the General Court delivered on 9 September 2013 in Case T-489/12;
- refer the case back to the General Court for it to rule on the substance;
- order the European Commission to pay the costs.

Pleas in law and main arguments

The appellant maintains that the order of the General Court delivered on 9 September 2013 in Case T-489/12 contains findings as to the law which are contrary to the rules of European Union law and challenges them by this appeal.

In the appellant's opinion, the order under appeal should be set aside, because the court misinterpreted and misapplied European Union law, as regards the content of the interest in bringing proceedings which is required, under European Union law, for the bringing of declaratory proceedings the subject-matter of which is determining a breach of contractual obligations and as regards whether that [interest in bringing proceedings] is vested and present.