

**Request for a preliminary ruling from the Budapest Környéki Törvényszék (Hungary) lodged on
21 January 2015 — Criminal proceedings against István Balogh**

(Case C-25/15)

(2015/C 127/15)

Language of the case: Hungarian

Referring court

Budapest Környéki Törvényszék

Party to the main proceedings

István Balogh

Question referred

Article 1(1) of Directive 2010/64/EU ⁽¹⁾ of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings reads: 'This Directive lays down rules concerning the right to interpretation and translation in criminal proceedings and proceedings for the execution of an European arrest warrant'. Must this formulation be taken to mean, inter alia, that, during a special procedure (Chapter XXIX of a büntetőeljárásról szóló 1998. évi XIX. törvény (Law XIX of 1998 on criminal procedure)), a court in Hungary must apply this Directive, that is to say, must a special procedure under Hungarian law be regarded as being covered by the expression 'criminal proceedings', or must this expression be interpreted as referring only to procedures which conclude with a final decision concerning the criminal liability of the defendant?

⁽¹⁾ OJ 2010 L 280, p. 1.

Action brought on 2 February 2015 — European Commission v Kingdom of Spain

(Case C-38/15)

(2015/C 127/16)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: E. Manhaeve and D. Loma-Osorio Lerena, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

- Declare that the Kingdom of Spain has failed to fulfil its obligations:
 - under Article 4 of Council Directive 91/271/EEC ⁽¹⁾ of 21 May 1991 concerning urban waste-water treatment, in relation to the agglomeration of Pontevedra-Marín-Poio-Bueu (Galicia); and
 - under Article 5(2) and (3) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment in relation to the agglomerations of Bollulos Par del Condado; Abrera; Berga; Capellades; Figueres; El Terri (Banyoles) and Pontevedra-Marín-Poio-Bueu.
- Order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

Following an investigation carried out in the context of infringement procedure 2002/2123, the European Commission, by a letter of formal notice of 19 December 2003, drew the Kingdom of Spain's attention to its duty to fulfil its obligations under Articles 3, 4, 5 6 and 14 of Directive 91/271, in particular as regards the treatment of urban waste water in 'sensitive areas'.

The subject-matter of the proceedings has been reduced as Spain has brought the sanitation, treatment and waste facilities of certain agglomerations into compliance. Nevertheless, at the time of bringing the application the infringement of Articles 4 and 5 of the Directive continues in respect of the situation of the agglomerations of Bollulos Par del Condado (in the Autonomous Community of Andalucía); Abrera, Berga, Capellades, Figueres and El Terri-Banyoles (in the Autonomous Community of Cataluña) and Pontevedra-Marín-Poio-Bueu (in the Autonomous Community of Galicia).

⁽¹⁾ OJ 1991 L 135, p. 40.

**Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 5 February 2015 —
Hauptzollamt Frankfurt am Main v Duval GmbH & Co. KG**

(Case C-44/15)

(2015/C 127/17)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Appellant: Hauptzollamt Frankfurt am Main

Respondent: Duval GmbH & Co. KG

Questions referred

1. In the absence of an abstract definition of what constitutes a thermometer as referred to in CN heading 9025, should CN heading 9025 ('thermometers') be taken, exceptionally, to comprise only the devices listed in the Explanatory Notes to the Harmonised Commodity Description and Coding System concerning CN heading 9025, Section B (thermometers and pyrometers, recording or not — Nos 08.0 to 28.0)?
2. If this question is to be answered in the negative: Should it be deduced from the listing of the devices in the Explanatory Notes to the HS concerning CN heading 9025 that devices which do not function in ways that are incorporated in those devices (measuring of temperature by means, for example, of the mechanical expansion of liquids or metals, physical changes or electrical impulses, etc.) cannot be classified as falling under CN heading 9025?
3. If this question too is to be answered in the negative: Do thermometers within the meaning of CN heading 9025 also include devices which indicate that the temperature of an object which is to be measured has reached a predetermined value (threshold value), even if the device does not meet such criteria as reproducibility of the measurement result, continuous indication of changes in temperature and the possibility of using the device repeatedly?

**Appeal brought on 20 February by PP Nature-Balance Lizenz GmbH against the judgment of the
General Court (Fifth Chamber) of 11 December 2014 in Case T-189/13 PP Nature-Balance Lizenz
GmbH v European Commission**

(Case C-82/15 P)

(2015/C 127/18)

Language of the case: German

Parties

Appellant: PP Nature-Balance Lizenz GmbH (represented by: M. Ambrosius, Rechtsanwalt)

Other party to the proceedings: European Commission