

6. Does it follow from Article 9(1) and (2) of Directive 2011/95/EU, interpreted in conjunction with Articles 18 and 10 of the Charter of Fundamental Rights of the European Union and the concept of religion as defined in Article 10(1)(b) of the directive, that in the circumstances of the main proceedings:
- a) the concept of religion as defined in EU law does not encompass any acts considered to be criminal in accordance with the national law of the Member States? Is it possible for such acts that are considered to be criminal in the applicant's country of origin to constitute acts of persecution?
  - b) In connection with the prohibition of proselytism and the prohibition of acts contrary to the religion on which the laws and regulations in the country in question are based, are limitations to be regarded as permitted that are established to protect the rights and freedoms of others and public order in the applicant's country of origin? Do these prohibitions as such constitute acts of persecution within the meaning of the cited provisions of the directive when violation of them is threatened with the death penalty even if the laws are not explicitly aimed against a particular religion?
7. Does it follow from Article 4(2) of Directive 2011/95/EU, interpreted in conjunction with Article 4(5)(b) of the directive, Article 10 of the Charter of Fundamental Rights of the European Union and Article 46(3) of Directive 2013/32/EU, that, in the circumstances of the main proceedings, an appraisal of the facts and circumstances may be conducted only on the basis of the statements made and the documents presented by the applicant, but it is still permitted to require proof of the missing components covered by the concept of religion as defined in Article 10(1)(b) of the directive where:
- without this information the application for international protection would be considered unfounded within the meaning of Article 32 in conjunction with Article 31(8)(e) of Directive 2013/32/EU and
  - national legislation provides that the competent authority must establish all the relevant circumstances for the examination of the application for international protection and the court, should the refusal decision be contested, must point out that the person concerned has not offered and presented any evidence?

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- <sup>(1)</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ 2013 L 180, p. 31).
- <sup>(2)</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).
- <sup>(3)</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

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**Request for a preliminary ruling from the Conseil d'État (France) lodged on 3 February 2017 — SCI  
Château du Grand Bois v Etablissement national des produits de l'agriculture et de la mer  
(FranceAgriMer)**

**(Case C-59/17)**

**(2017/C 112/37)**

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* SCI Château du Grand Bois

*Defendant:* Etablissement national des produits de l'agriculture et de la mer (FranceAgriMer)

**Questions referred**

1. Do Articles 76, 78 and 81 of [Commission] Implementing Regulation [No 555/2008] of 27 June 2008 <sup>(1)</sup> authorise officials carrying out an on-the-spot check to enter agricultural land without having obtained the farmer's permission?
2. If the first question is answered in the affirmative: must a distinction be made depending on whether or not the land in question is enclosed?
3. If the first question is answered in the affirmative: are Articles 76, 78 and 81 of [Commission] Implementing Regulation [No 555/2008] of 27 June 2008 compatible with the principle of the inviolability of the home as guaranteed by Article 8 of the European Convention on Human Rights?

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<sup>(1)</sup> Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector (OJ 2008 L 170, p. 1).

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**Request for a preliminary ruling from the Tribunal da Relação do Porto (Portugal) lodged on 7 February 2017 — Saey Home & Garden NV/SA v Lusavouga — Máquinas e Acessórios Industriais, S.A.**

**(Case C-64/17)**

(2017/C 112/38)

*Language of the case: Portuguese*

**Referring court**

Tribunal da Relação do Porto

**Parties to the main proceedings**

*Applicant:* Saey Home & Garden NV/SA

*Defendant:* Lusavouga — Máquinas e Acessórios Industriais, S.A.

**Questions referred**

- 1 Must the action be brought before the Belgian courts, in accordance with the basic rule set out in Article 4(1) of Regulation No 1215/2012, <sup>(1)</sup> because Belgium is the Member State in which the defendant has its seat and is in fact domiciled?
- 2 Must the action be brought before the Portuguese courts, in accordance with Article 7(1)(a) and (c) of Regulation No 1215/2012 (by virtue of Article 5(1) of the same regulation), because it relates to a commercial concession agreement and Portugal is the Member State where the mutual obligations under the agreement should have been performed?
- 3 Must the action be brought before the Spanish courts, in accordance with Article 7(1)(a) and (c) of Regulation No 1215/2012 (by virtue of Article 5(1) of the same regulation), because it relates to a commercial concession agreement and Spain is the Member State where the mutual obligations under the agreement should have been performed?
- 4 Must the action be brought before the Portuguese courts, in accordance with Article 7(1)(a) and (b), first indent, of Regulation No 1215/2012 (by virtue of Article 5(1) of the same regulation), because it relates to a framework commercial concession agreement which, as between the applicant and the defendant, can be broken down into various contracts of sale and all the goods sold were due to be delivered in Portugal, and were actually delivered there on 21 January 2014?
- 5 Must the action be brought before the Belgian courts, in accordance with Article 7(1)(a) and (b), first indent, of Regulation No 1215/2012 (by virtue of Article 5(1) of the same regulation), because it relates to a framework commercial concession agreement which, as between the applicant and the defendant, can be broken down into various contracts of sale and all the goods sold were delivered by Saey to Lusavouga in Belgium?