

**Order of the Court (First Chamber) of 6 September 2017 (request for a preliminary ruling from the Bezirksgericht Linz — Austria) — Peter Schotthöfer & Florian Steiner GbR v Eugen Adelsmayr**

(Case C-473/15) <sup>(1)</sup>

*(Requests for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Extradition of a national of a Member State of the European Union to a third State where he risks being subjected to the death penalty — Citizenship of the Union — Articles 18 and 21 TFEU — Article 19(2) of the Charter of Fundamental Rights of the European Union — Protection against extradition)*

(2017/C 374/14)

Language of the case: German

**Referring court**

Bezirksgericht Linz

**Parties to the main proceedings**

*Applicant:* Peter Schotthöfer & Florian Steiner GbR

*Defendant:* Eugen Adelsmayr

**Operative part of the order**

Article 19(2) of the Charter of Fundamental Rights of the European Union must be interpreted as meaning that a request for extradition originating from a third country concerning a Union citizen who, in exercising his freedom of movement, leaves his Member State of origin in order to reside on the territory of another Member State, must be rejected by the latter Member State where that citizen runs a serious risk of being subjected to the death penalty in the event of extradition.

<sup>(1)</sup> OJ C 406, 7.12.2015.

**Order of the Court (Tenth Chamber) of 5 July 2017 — CBA Spielapparate- und Restaurantbetriebs GmbH v Court of Justice of European Union**

(Case C-87/17 P) <sup>(1)</sup>

*(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — Action for damages — Alleged non-compliance with EU law of the Austrian legislation in respect of gambling contributions — Failure, by the national courts or tribunals, to refer the matter to the Court for a preliminary ruling — Manifest lack of jurisdiction of the EU judicature)*

(2017/C 374/15)

Language of the case: German

**Parties**

*Appellant:* CBA Spielapparate- und Restaurantbetriebs GmbH (represented by: A. Schuster, Rechtsanwalt)

*Other party to the proceedings:* Court of Justice of European Union

**Operative part of the order**

1. *The appeal is dismissed.*