

**Parties to the main proceedings**

*Applicant:* GE Power Controls Portugal — Unipessoal Lda

*Defendant:* Fazenda Pública

**Question referred**

In the light of Article 313(1) of the Implementing Regulation <sup>(1)</sup>, are the goods referred to in the present case to be deemed to have Community status where it has not been established that they do not have such status, or [...] must they be deemed to be goods brought into the customs territory, for the purposes of Article 3 of the [Community customs] code <sup>(2)</sup>, and covered by the exception provided for in the first part of Article 313(2)(a) of the Implementing Regulation, with the result that only goods in respect of which it has been proven that a procedure for releasing them for free circulation in the EC customs territory has been carried out are to be recognised as having Community status[?]

<sup>(1)</sup> Commission Regulation (EEC) No<sup>o</sup> 2454/93 of 2 July 1993, laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993, L 253, p. 1)

<sup>(2)</sup> Commission Regulation (EEC) No<sup>o</sup> 2913/92, 12 October 1992 establishing the Community Customs (Code OJ 1992, L 302, p. 1)

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**Request for a preliminary ruling from the Hoge Raad der Nederlanden lodged on 17 November 2017 — Eurobolt BV**

(Case C-644/17)

(2018/C 052/25)

*Language of the case:* Dutch

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Applicant:* Eurobolt BV

*Defendant:* Staatssecretaris van Financiën

**Questions referred**

- 1 (a) Must Article 47 of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 4(3) TEU, be interpreted as meaning that an applicant may challenge the legality of a decision of an institution of the Union which must be implemented by national authorities, by pleading infringement of essential procedural requirements, infringement of the Treaties or misuse of powers?
- (b) Must Article 47 of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 4(3) TEU, be interpreted as meaning that the institutions of the Union which are involved in the adoption of a decision whose validity is challenged in proceedings before a national court are bound to provide that court, if requested to do so, with all the information at their disposal and which was taken into account, or should have been taken into account, by them in the adoption of that decision?
- (c) Must Article 47 of the Charter of Fundamental Rights of the European Union be interpreted as meaning that the right to an effective remedy requires the court to conduct a robust review of whether the conditions for the application of Article 13 of Regulation (EC) No 1225/2009 <sup>(1)</sup> have been satisfied? In particular, does that Article 47 mean that that court is competent to fully assess whether the facts have been fully and adequately established so as to justify the legal effect relied upon? In particular, does that Article 47 also mean that that court is competent to fully assess whether facts which were allegedly not taken into account in the adoption of the decision, but which could be detrimental to the legal effect associated with the facts which were established, should have been taken into account?

- 2 (a) Must the term 'relevant information' in Article 15(2) of Regulation (EC) No 1225/2009 be interpreted as including the response of an independent importer of the goods forming the subject of the investigation referred to in that provision, established in the European Union, to the findings of the Commission, if that importer was notified of that investigation by the Commission, provided requested information to the Commission and, having been given the opportunity to do so, responded in a timely fashion to the Commission's findings?
- (b) If question 2(a) is answered in the affirmative, can that importer then plead infringement of Article 15(2) of Regulation (EC) No 1225/2009 if the response submitted by him was not made available at least ten working days prior to the meeting of the Advisory Committee provided for in that provision?
- (c) If question 2(b) is answered in the affirmative, does that infringement of Article 15(2) of Regulation (EC) No 1225/2009 mean that that decision is unlawful and that it should not be implemented?

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<sup>(1)</sup> Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009, L 343, p. 51).

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**Request for a preliminary ruling from the Tribunale di Brindisi (Italy) lodged on 17 November 2017 — Criminal proceedings against Gianluca Moro**

(Case C-646/17)

(2018/C 052/26)

*Language of the case: Italian*

**Referring court**

Tribunale di Brindisi

**Defendant in the main proceedings**

Gianluca Moro

**Question referred**

Must Article 2(1), Article 3(1)(c) and Article 6(1), (2) and (3) of Directive 2012/12/EU, <sup>(1)</sup> and Article 48 of the Charter of Fundamental Rights of the European Union as well, be interpreted as precluding procedural rules under the criminal law of a Member State on the basis of which the safeguards for the rights of the defence following a change to the charge are guaranteed in terms that differ, both in quality and in quantity, depending on whether that change relates to the factual elements of the charge or to its legal classification, in particular allowing the accused person only in the first case to request the alternative and beneficial procedure of the imposition of a negotiated penalty (the 'patteggiamento' procedure)?

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<sup>(1)</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ 2012 L 142, p. 1).

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**Request for a preliminary ruling from the Högsta förvaltningsdomstolen (Sweden) lodged on 20 November 2017 — Skatteverket v Srf konsulterna AB**

(Case C-647/17)

(2018/C 052/27)

*Language of the case: Swedish*

**Referring court**

Högsta förvaltningsdomstolen