

**Judgment of the Court (Tenth Chamber) of 11 May 2017 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — The Shirtmakers BV v Staatssecretaris van Financiën**

(Case C-59/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Customs union — Regulation (EEC) No 2913/92 — Community Customs Code — Article 32(1)(e)(i) — Customs value — Transaction value — Determination — Concept of ‘cost of transport’)*

(2017/C 239/15)

Language of the case: Dutch

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Applicant:* The Shirtmakers BV

*Defendant:* Staatssecretaris van Financiën

**Operative part of the judgment**

Article 32(1)(e)(i) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code must be interpreted as meaning that the concept of ‘cost of transport’, within the meaning of that provision, includes the supplement charged by the forwarding agent to the importer, corresponding to that agent’s profit margin and costs, in respect of the service which it provided in organising the transport of the imported goods to the customs territory of the European Union.

---

<sup>(1)</sup> OJ C 145, 25.4.2016.

---

**Judgment of the Court (Third Chamber) of 18 May 2017 (request for a preliminary ruling from the Tribunal de grande instance de Lyon — France) — Jean-Philippe Lahorgue v Ordre des avocats du barreau de Lyon, Conseil national des barreaux (CNB), Conseil des barreaux européens (CCBE), Ordre des avocats du barreau de Luxembourg**

(Case C-99/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Freedom to provide services — Directive 77/249/EEC — Article 4 — Practice of the legal profession — Router for accessing the private virtual network for lawyers (RPVA) — Router for RPVA access — Refusal to issue to a lawyer registered at a Bar of another Member State — Discriminatory measure)*

(2017/C 239/16)

Language of the case: French

**Referring court**

Tribunal de grande instance de Lyon

**Parties to the main proceedings**

*Applicant:* Jean-Philippe Lahorgue

*Defendants:* Ordre des avocats du barreau de Lyon, Conseil national des barreaux (CNB), Conseil des barreaux européens (CCBE), Ordre des avocats du barreau de Luxembourg

*Intervening party:* Ministère public

**Operative part of the judgment**

The refusal, on the part of the competent authorities of a Member State, to issue a router for access to the private virtual network for lawyers to a lawyer duly registered at a Bar of another Member State, for the sole reason that that lawyer is not registered at a Bar of the first Member State, in which he wishes to practise his profession as a free provider of services, in situations where the obligation to work in conjunction with another lawyer is not imposed by law, constitutes a restriction on the freedom to provide services under Article 4 of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services, read in the light of Article 56 TFEU and the third paragraph of Article 57 TFEU. It is for the national court to determine whether such a refusal, in the light of the context in which it is put forward, genuinely serves the objectives of consumer protection and the proper administration of justice which might justify it and whether the resulting restrictions do not appear to be disproportionate in regard to those objectives.

<sup>(1)</sup> OJ C 165, 10.5.2016.

---

**Judgment of the Court (Eighth Chamber) of 11 May 2017 (request for a preliminary ruling from the Krajowa Izba Odwoławcza — Poland) — Archus sp. z o.o., Gama Jacek Lipik v Polskie Górnictwo Naftowe i Gazownictwo S.A.**

(Case C-131/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Public procurement — Directive 2004/17/EC — Principles of awarding contracts — Article 10 — Principle of equal treatment of tenderers — Requirement for contracting authorities to request tenderers to amend or supplement their tender — Right of the contracting authority to retain the bank guarantee in the event of refusal — Directive 92/13/EEC — Article 1(3) — Review procedures — Decision to award a public contract — Exclusion of a tenderer — Actions for annulment — Interest in bringing proceedings)*

(2017/C 239/17)

Language of the case: Polish

**Referring court**

Krajowa Izba Odwoławcza

**Parties to the main proceedings**

Applicant: Archus sp. z o.o., Gama Jacek Lipik

Defendant: Polskie Górnictwo Naftowe i Gazownictwo S.A.

Intervener: Digital-Center sp. z o.o.

**Operative part of the judgment**

1. The principle of equal treatment of economic operators set out in Article 10 of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors must be interpreted as precluding, in a public procurement procedure, the contracting authority from inviting a tenderer to submit declarations or documents whose communication was required by the tender specification and which have not been submitted within the time limit given for the submission of tenders. On the other hand, that article does not preclude the contracting authority from inviting a tenderer to clarify a tender or to correct an obvious clerical error in that tender, on condition, however, that such an invitation is sent to all tenderers in the same situation, that all tenderers are treated equally and fairly, and that that clarification or correction may not be equated with the submission of a new tender, which is for the referring court to determine.