

Judgment of the Court (Third Chamber) of 19 July 2012 (references for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Gdańsku — Poland) — Fortuna sp. z o.o. (C-213/11), Grand sp. z o.o. (C-214/11), Forta sp. z o.o. (C-217/11) v Dyrektor Izby Celnej w Gdyni

(Joined Cases C-213/11, C-214/11 and C-217/11) ⁽¹⁾

(Internal market — Directive 98/34/EC — Technical standards and regulations — Procedure for the provision of information in the field of technical standards and regulations — Low-prize gaming machines — Prohibition of the amendment, extension and issue of operating authorisations — Concept of ‘technical regulation’)

(2012/C 295/19)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Gdańsku

Parties to the main proceedings

Applicants: Fortuna sp. z o.o. (C-213/11), Grand sp. z o.o. (C-214/11), Forta sp. z o.o. (C-217/11)

Defendant: Dyrektor Izby Celnej w Gdyni

Re:

References for a preliminary ruling — Wojewódzki Sąd Administracyjny w Gdańsku — Interpretation of Article 1(11) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Council Directive 2006/96/EC of 20 November 2006 (OJ 1998 L 204, p. 37) — Concept of ‘technical regulation’ — National provision prohibiting the amendment of an operating authorisation for low-prize gaming machines in respect of a change of the place in which those machines are installed

Operative part of the judgment

Article 1(11) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Council Directive 2006/96/EC of 20 November 2006, must be interpreted as meaning that national provisions, such as those of the Law on games of chance (ustawa o grach hazardowych) of 19 November 2009, which could have the effect of limiting, or even gradually rendering impossible, the running of gaming on low-prize machines anywhere other than in casinos and gaming arcades are capable of constituting ‘technical regulations’, within the meaning of

that provision, the drafts of which must be the subject of communication as provided for in the first subparagraph of Article 8(1) of the directive, in so far as it is established that those provisions constitute conditions which can significantly influence the nature or the marketing of the product concerned, which is a matter for the referring court to determine.

⁽¹⁾ OJ C 219, 23.7.2011.

Judgment of the Court (Fourth Chamber) of 19 July 2012 (reference for a preliminary ruling from the Mokestinių ginčų komisija prie Lietuvos Respublikos Vyriausybės — Lithuania) — Lietuvos geležinkeliai AB v Vilniaus teritorinė muitinė, Muitinės departamentas prie Lietuvos Respublikos finansų ministerijos

(Case C-250/11) ⁽¹⁾

(Relief from customs duties and VAT exemptions on imports of goods — Fuel contained in the standard tanks of land motor vehicles — Notion of ‘motorised road vehicle’ — Locomotives — Road transport and transport by rail — Principle of equal treatment — Principle of neutrality)

(2012/C 295/20)

Language of the case: Lithuanian

Referring court

Mokestinių ginčų komisija prie Lietuvos Respublikos Vyriausybės

Parties to the main proceedings

Applicant: Lietuvos geležinkeliai AB

Defendants: Vilniaus teritorinė muitinė, Muitinės departamentas prie Lietuvos Respublikos finansų ministerijos

Re:

Reference for a preliminary ruling — Mokestinių ginčų komisija prie Lietuvos Respublikos Vyriausybės — Interpretation of Article 112 of Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (OJ 1983 L 105, p. 1) and of Article 107(1)(a) of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ 2009 L 324, p. 23) — Interpretation of Article 82(1) of Council Directive 83/181/EEC of 28 March 1983 determining the scope of Article 14(1)(d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods (OJ 1983 L 105, p. 38) and Article 84(1)(a) of