

12. Should Articles 21, 45, 49, 56 and 63 of the Treaty on the Functioning of the European Union and Articles 22 and 24 of Directive 2004/38/EC ⁽⁴⁾ of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, be interpreted as precluding the scheme introduced by Book 5 of the Decree van het Vlaamse Gewest van 27 maart 2009 betreffende het grond- en pandenbeleid, entitled 'Wonen in eigen streek' ('Living in one's own area'), namely the scheme whereby in certain so-called target municipalities the transfer of land and any constructions erected thereon is made subject to the buyer or the tenant being able to demonstrate a sufficient tie with the municipality within the meaning of Article 5.2.1(2) of that decree?

⁽¹⁾ OJ 2005 L 312, p. 67.

⁽²⁾ OJ 2006 L 376, p. 36.

⁽³⁾ OJ 2004 L 134, p. 114.

⁽⁴⁾ OJ 2004 L 158, p. 77.

Reference for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Gdańsku (Republic of Poland), lodged on 9 May 2011 — Fortuna Sp. z o.o. v Dyrektor Izby Celnej w Gdyni

(Case C-213/11)

(2011/C 219/06)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Gdańsku

Parties to the main proceedings

Applicant: Fortuna Sp. z o.o.

Defendant: Dyrektor Izby Celnej w Gdyni

Question referred

Must Article 1(11) of Directive 98/34/EC of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽¹⁾ and of rules on Information Society services be interpreted as meaning that the term 'technical regulation', the draft of which must be communicated to the European Commission pursuant to Article 8(1) of that directive, includes a legislative measure which prohibits the alteration of authorisations for activity

involving gaming on low-value-prize machines in respect of a change in the place at which that gaming is organised?

⁽¹⁾ 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 (OJ 1998 L 204, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 217, p. 18).

Reference for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Gdańsku (Republic of Poland), lodged on 9 May 2011 — Grand Sp. z o.o. v Dyrektor Izby Celnej w Gdyni

(Case C-214/11)

(2011/C 219/07)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Gdańsku

Parties to the main proceedings

Applicant: Grand Sp. z o.o.

Defendant: Dyrektor Izby Celnej w Gdyni

Question referred

Must 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 ⁽¹⁾ and of rules on Information Society services be interpreted as meaning that the term 'technical regulation', the draft of which must be communicated to the Commission pursuant to Article 8(1) of that directive, includes a legislative measure which prohibits the extension of authorisations to carry on an activity involving gaming on low-value-prize machines?

⁽¹⁾ 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 (OJ 1998 L 204, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 217, p. 18).