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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Finanzgericht Düsseldorf (Germany) lodged on 26 March 2013 — Holger Forstmann Transporte GmbH & Co. KG v Hauptzollamt Münster

(Case C-152/13)

(2013/C 189/02)

Language of the case: German

Referring court

Finanzgericht Düsseldorf

Parties to the main proceedings

Applicant: Holger Forstmann Transporte GmbH & Co. KG

Defendant: Hauptzollamt Münster

Questions referred

1. Is the term ‘manufacturer’, within the meaning of the first indent of Article 24(2) of Council Directive 2003/96/EC ⁽¹⁾ of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, OJ 2003 L 283, p. 51, to be interpreted as also including coachbuilders or dealers, when they have fitted the fuel tank as part of a process of producing the vehicle, and the production process was, for technical and/or economic reasons, carried out through division of labour by various independent businesses?
2. If the first question should be answered in the affirmative: What interpretation is to be given, in such cases, to the factual criterion, in the first indent of Article 24(2) of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, OJ 2003 L 283, p. 51, whereby the vehicles in question must be ‘of the same type’?

⁽¹⁾ OJ L 283, p. 51.

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 28 March 2013 — Digibet Ltd., Gert Albers v Westdeutsche Lotterie GmbH & Co. OHG

(Case C-156/13)

(2013/C 189/03)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Appellant: Digibet Ltd., Gert Albers

Respondent: Westdeutsche Lotterie GmbH & Co. OHG

Questions referred

1. Does it represent an inconsistent restriction on the gambling sector where:
 - on the one hand, in a member state organised as a federal state, the organisation and intermediation of public games of chance on the internet is, in principle, prohibited by the law in force in the overwhelming majority of the Länder (federal states) and — without an established right — can only be allowed, exceptionally, for lotteries and sporting bets in order to provide a suitable alternative to the illegal supply of games of chance as well as to combat the development and spread thereof, but
 - on the other hand, under the law in force in one of that member state’s Länder, subject to certain specified objective conditions, an authorisation for the marketing of sporting bets on the internet must be issued to any EU citizen or equivalent legal person, thereby undermining the effectiveness of the restriction on the marketing of games of chance on the internet in force in the rest of the Federal Republic in achieving the legitimate public interest objectives which it pursues?