

Parties to the main proceedings

Applicant: BP Europa SE

Defendant: Hauptzollamt Hamburg-Stadt

Operative part of the judgment

1. Article 20(2) of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC must be interpreted as meaning that the movement of excise goods under a duty suspension arrangement ends, for the purpose of that provision, in a situation such as that in the main proceedings, when the consignee of those goods has found, on unloading in full from the means of transport carrying the goods in question, that there were shortages of the goods in comparison with the amount which should have been delivered to him.
2. The combined provisions of Articles 7(2)(a) and 10(2) of Directive 2008/118 must be interpreted as meaning that:
 - the situations which they govern are outside that referred to in Article 7(4) of that directive and
 - the fact that a provision of national law transposing Article 10(2) of Directive 2008/118, such as that at issue in the main proceedings, does not expressly state that the irregularity governed by that provision of the directive must have given rise to the release for consumption of the goods concerned, such an omission cannot prevent the application of that national provision to the discovery of shortages, which of necessity entail such a release for consumption.
3. Article 10(4) of Directive 2008/118 must be interpreted as meaning that it applies not only where the total amount of goods moving under a duty suspension arrangement failed to arrive at its destination, but also where only a part of those goods failed to arrive at its destination.

⁽¹⁾ OJ C 138, 27.4.2015.

Judgment of the Court (Seventh Chamber) of 4 February 2016 (request for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — Youssef Hassan v Breiding Vertriebsgesellschaft mbH

(Case C-163/15) ⁽¹⁾

(Reference for a preliminary ruling — Community trade mark — Regulation (EC) No 207/2009 — Article 23 — Licence — Register of Community trade marks — Right of the licensee to bring proceedings for infringement notwithstanding the fact that the licence has not been entered in the Register)

(2016/C 106/12)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Youssef Hassan

Defendant: Breiding Vertriebsgesellschaft mbH

Operative part of the judgment

The first sentence of Article 23(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark must be interpreted as meaning that the licensee may bring proceedings alleging infringement of a Community trade mark which is the subject of the licence, although that licence has not been entered in the Register of Community trade marks.

⁽¹⁾ OJ C 254, 3.8.2015.

Request for a preliminary ruling from the Rechtbank Noord-Holland (Netherlands) lodged on 14 December 2015 — X, GoPro Coöperatief UA v Inspecteur van de Belastingdienst Douane, kantoor Rotterdam Rijnmond

(Case C-666/15)

(2016/C 106/13)

Language of the case: Dutch

Referring court

Rechtbank Noord-Holland

Parties to the main proceedings

Applicants: X, GoPro Coöperatief UA

Defendant: Inspecteur van de Belastingdienst Douane, kantoor Rotterdam Rijnmond

Questions referred

1. Are the Commission's explanatory notes to subheading 8525 80 30 and to subheadings 8525 80 91 and 8525 80 99 of the Combined Nomenclature to be interpreted as meaning that there are also 'at least 30 minutes in a single sequence of video' in the case where, by means of a 'video record' mode, sequences of video together lasting longer than 30 minutes are recorded, but those sequences of video are recorded in separate files, each with a duration of less than 30 minutes, and the user must, when playing back, open each file with a duration of less than 30 minutes separately, although it is possible, with the aid of the software supplied by GoPro, to place the sequences, which have been incorporated into those files, on a personal computer one after another and thereby save a single video sequence of more than 30 minutes' duration in a single file on a personal computer?
2. Is classification, under CN subheading 8525 80 99, of video camera recorders which can record sequences from external sources precluded in the case where the sequences cannot be played back via an external TV receiver or an external monitor because those video camera recorders, such as the GoPro Hero 3 Silver Edition, can play back, on an external screen or monitor, only files which they have recorded via their own lenses?

Request for a preliminary ruling from the Hof van beroep te Antwerpen (Belgium) lodged on 14 December 2015 — Loterie Nationale — Nationale Loterij NV v Paul Adriaensen and Others

(Case C-667/15)

(2016/C 106/14)

Language of the case: Dutch

Referring court

Hof van beroep te Antwerpen