

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Land Hessen to pay the costs.

<sup>(1)</sup> OJ C 236, 20.7.2015.

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**Judgment of the Court (First Chamber) of 13 October 2016 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Servoprax GmbH v Roche Diagnostics Deutschland GmbH**

(Case C-277/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Approximation of laws — In vitro diagnostic medical devices — Directive 98/79/EC — Parallel imports — Translation by the importer of the information and instructions for use provided by the manufacturer — Supplementary conformity assessment procedure)*

(2016/C 462/08)

Language of the case: German

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

Applicant: Servoprax GmbH

Defendant: Roche Diagnostics Deutschland GmbH

**Operative part of the judgment**

Article 9 of Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices must be interpreted as meaning that it does not require a parallel importer of a device for self-diagnosis for measuring blood sugar that bears a CE marking and that was the subject of a conformity assessment by a notified body to undertake a further assessment in order to certify the conformity of the labelling of that device and the instructions for its use as a result of their translation into the official language of the Member State of importation.

<sup>(1)</sup> OJ C 294, 7.9.2015.

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**Judgment of the Court (Second Chamber) of 13 October 2016 (request for a preliminary ruling from the Sąd Apelacyjny w Warszawie — Poland) — Edyta Mikołajczyk v Marie Louise Czarnecka, Stefan Czarnecki**

(Case C-294/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Judicial cooperation in civil matters — Jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility — Regulation (EC) No 2201/2003 — Article 1(1)(a) — Material scope — Action for annulment of marriage brought by a third party after the death of one of the spouses — Article 3(1) — Jurisdiction of the courts of the Member State of residence of the ‘applicant’ — Scope)*

(2016/C 462/09)

Language of the case: Polish

**Referring court**

Sąd Apelacyjny w Warszawie

**Parties to the main proceedings**

Applicant: Edyta Mikołajczyk

Defendants: Marie Louise Czarnecka, Stefan Czarnecki

**Operative part of the judgment**

1. Article 1(1)(a) of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as meaning that an action for annulment of marriage brought by a third party following the death of one of the spouses falls within the scope of Regulation No 2201/2003.
2. The fifth and sixth indents of Article 3(1)(a) of Regulation No 2201/2003 must be interpreted as meaning that a person other than one of the spouses who brings an action for annulment of marriage may not rely on the grounds of jurisdiction set out in those provisions.

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<sup>(1)</sup> OJ C 311, 21.9.2015.

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**Judgment of the Court (First Chamber) of 13 October 2016 (request for a preliminary ruling from the Sąd Okręgowy w Łodzi — Poland) — Naczelnik Urzędu Celnego I w Łodzi v G. M., M. S.**

(Case C-303/15) <sup>(1)</sup>

**(Reference for a preliminary ruling — Technical regulations in the gambling sector — Directive 98/34/EC — Concept of ‘technical regulation’ — Obligation on Member States to notify the European Commission of all draft technical regulations — Inapplicability of rules classifiable as technical regulations not notified to the Commission)**

(2016/C 462/10)

Language of the case: Polish

**Referring court**

Sąd Okręgowy w Łodzi

**Parties to the main proceedings**

Applicant: Naczelnik Urzędu Celnego I w Łodzi

Defendants: G. M., M. S.

Intervener in support of the defendants: Colin Williams sp. z o.o.

**Operative part of the judgment**

Article 1 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 Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998, must be interpreted as meaning that a provision of national law, such as that at issue in the main proceedings, does not fall within the scope of the concept of a ‘technical regulation’, within the meaning of that directive, subject to obligatory notification under Article 8(1) of that directive, the penalty for failure to fulfil that obligation being that such a regulation is inapplicable.

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<sup>(1)</sup> OJ C 311, 21.9.2015.