Operative part of the judgment

Article 23(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that, in a situation such as that at issue in the main proceedings, the executing and issuing judicial authorities agree on a new surrender date under that provision where the surrender of the requested person within 10 days of a first new surrender date agreed on pursuant to that provision proves impossible on account of the repeated resistance of that person, in so far as, on account of exceptional circumstances, that resistance could not have been foreseen by those authorities and the consequences of the resistance for the surrender could not have been avoided in spite of the exercise of all due care by those authorities, which is for the referring court to ascertain.

Articles 15(1) and 23 of Framework Decision 2002/584, as amended by Framework Decision 2009/299, must be interpreted as meaning that those authorities remain obliged to agree on a new surrender date if the time limits prescribed in Article 23 have expired.

([1]) OJ C 59, 15.2.2016.

Judgment of the Court (Third Chamber) of 25 January 2017 (request for a preliminary ruling from the Finanzgericht Baden-Württemberg — Germany) — Ultra-Brag AG v Hauptzollamt Lörrach

(Case C-679/15) ([1])

(Reference for a preliminary ruling — Customs union — Customs debt incurred through unlawful introduction of goods — Meaning of 'debtor' — Employee of a legal person responsible for the unlawful introduction — Fraudulent dealing or obvious negligence — Determination)

(2017/C 078/06)

Language of the case: German

Referring court

Finanzgericht Baden-Württemberg

Parties to the main proceedings

Applicant: Ultra-Brag AG

Defendant: Hauptzollamt Lörrach

Operative part of the judgment

1. *Article 202(3), first indent, of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Council Regulation (EC) No 1791/2006 of 20 November 2006, must be interpreted as meaning that a legal person of which an employee, who is not its statuary representative, is responsible for the unlawful introduction of goods in the customs territory of the European Union, may be regarded as the debtor of the customs debt resulting from that introduction, where that employee introduced the goods at issue while carrying out the assignment entrusted to him by his employer and while fulfilling the instructions given, to that end, by another of the employer's employees, empowered to give such instructions in the performance of his own duties, and who thus acted within the scope of his remit, in the name and on behalf of his employer.*

2. *Article 212a of Regulation No 2913/92, as amended by Regulation No 1791/2006, must be interpreted as meaning that in order to establish fraudulent dealing or obvious negligence within the meaning of that article on the part of an employer, who is a legal person, it is appropriate to refer not just to the employer himself, but also to attribute to him the conduct of the employee(s) who, while fulfilling the assignment entrusted to them by their employer with the result that they acted within the scope of their respective remits in the name and on behalf of their employer, were responsible for the unlawful introduction of the goods.*

([1]) OJ C 111, 29.3.2016.

Appeal brought on 12 May 2016 by Tayto Group Ltd against the judgment of the General Court (Ninth Chamber) delivered on 24 February 2016 in Case T-816/14: Tayto Group v EUIPO — MIP Metro (REAL HAND COOKED)

(Case C-272/16 P)

(2017/C 078/07)

Language of the case: English

Parties

Appellant: Tayto Group Ltd (represented by: R. Kunze, Solicitor, G. Würtenberger, Rechtsanwalt)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO), MIP Metro Group Intellectual Property GmbH & Co. KG

By order of 27 October 2016 the Court of Justice (Ninth Chamber) held that the appeal was inadmissible.

Appeal brought on 29 June 2016 by Franmax UAB against the judgment of the General Court (First Chamber) delivered on 26 April 2016 in Case T-21/15: Franmax v EUIPO — Ehrmann (DINO)

(Case C-361/16 P)

(2017/C 078/08)

Language of the case: English

Parties

Appellant: Franmax UAB (represented by: E. Saukalas, advokatas)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO), Ehrmann AG Oberschönegg im Allgäu

By order of 8 November 2016 the Court of Justice (Sixth Chamber) held that the appeal was inadmissible.

Appeal brought on 12 July 2016 by BSH Hausgeräte GmbH, anciennement BSH Bosch und Siemens Hausgeräte GmbH against the judgment of the General Court (Ninth Chamber) delivered on 12 May 2016 in Case T-749/14: Chung-Yuan Chang v EUIPO — BSH Hausgeräte (AROMA)

(Case C-389/16 P)

(2017/C 078/09)

Language of the case: English

Parties

Appellant: BSH Hausgeräte GmbH, anciennement BSH Bosch und Siemens Hausgeräte GmbH (represented by: S. Biagosch, Rechtsanwalt)