2. If under Regulation No 604/2013, or under the operation of Regulation No 343/2003 ([2]), the foreign national is in principle not entitled to invoke the incorrect application of the criteria for determining the Member State responsible when the requested Member State has agreed to a request to take charge, is the defendant correct in its contention that an exception to that assumption may be contemplated only in the case of family situations as referred to in Article 7 of Regulation No 604/2013, or is it conceivable that there may also be other special facts and circumstances on the basis of which the foreign national may be entitled to invoke the incorrect application of the criteria for determining the Member State responsible?

3. If the answer to Question 2 is that, in addition to family situations, there are also other circumstances which could lead to the foreign national being entitled to invoke the incorrect application of the criteria for determining the Member State responsible, can the facts and circumstances described in paragraph 12 of the present decision constitute such special facts and circumstances?

([1]) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ 2013 L 180, p. 31).

([2]) Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 50, p. 1).

Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 12 February 2015 — BP Europa SE v Hauptzollamt Hamburg-Stadt

(Case C-64/15)

(2015/C 138/50)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: BP Europa SE

Defendant: Hauptzollamt Hamburg-Stadt

Questions referred

1. Is Article 10(4) of Directive 2008/118/EC ([1]) to be interpreted as meaning that the conditions which it lays down are fulfilled only in the case where the total quantity of goods moving under a duty suspension arrangement has not arrived at their destination, or can that rule, account being taken of Article 10(6) of Directive 2008/118/EC, also be applied to cases in which only a portion of the excise goods moving under a duty suspension arrangement fails to arrive at the destination?

2. Is Article 20(2) of Directive 2008/118/EC to be interpreted as meaning that the movement of excise goods under a duty suspension arrangement does not end until the consignee has fully unloaded the means of transport which has arrived at his premises, with the result that a deficit detected during unloading is deemed to have been detected while the movement was still ongoing?

3. Does Article 10(2), in conjunction with Article 7(2)(a), of Directive 2008/118/EC preclude a national provision under which the competence of the Member State of destination to levy duty (apart from being excluded in the cases provided for in Article 7(4) of Directive 2008/118/EC) is made subject only to the detection of the occurrence of an irregularity and the impossibility of determining the place where that irregularity occurred, or is it also necessary to establish that, by being removed from the duty suspension arrangement, the excise goods have been released for consumption?

4. Is Article 7(2)(a) of Directive 2008/118/EC to be interpreted as meaning that, where an irregularity as provided for in Article 10(2) of Directive 2008/118/EC has been detected, excise goods moved under a duty suspension arrangement which have not arrived at the destination must be assumed to have been released for consumption in all cases in which the proof of total destruction or irretrievable loss of the missing quantity required under Article 7(4) of Directive 2008/118/EC cannot be furnished?

(1) Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ 2009 L 9, p. 12).

Request for a preliminary ruling from the Tribunale di Bari (Italy) lodged on 12 February 2015 — Criminal proceedings against Vito Santoro

(Case C-65/15)

(2015/C 138/51)

Language of the case: Italian

Referring court

Tribunale di Bari

Party to the main proceedings

Vito Santoro

Questions referred

1. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, as also construed in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding a call for tenders for the award of licences with a period of validity shorter than that of licences awarded in the past, where that tendering procedure has been launched in order to remedy the consequences of the unlawful exclusion of a certain number of operators from earlier tendering procedures?

2. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, as also construed in [that] judgment of the Court of Justice […], to be interpreted as precluding the possibility that sufficient justification for the shorter period of validity of licences offered for tender, as compared with licences awarded in the past, can be found in the requirement for the licensing system to be reorganised through the alignment of licence expiry dates?

3. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, as also construed in [that] judgment of the Court of Justice […], to be interpreted as precluding the imposition of an obligation to transfer, free of charge, the use of tangible and intangible assets represented by the betting management and collection network in the event that the activity has ceased owing to the expiry of the licence or as a result of measures disqualifying the licence-holder or withdrawing the licence?

Action brought on 12 February 2015 — European Commission v Hellenic Republic

(Case C-66/15)

(2015/C 138/52)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Wasmeier and D. Triantafillou, acting as Agents)

Defendant: Hellenic Republic