

2. Is Article 9(3) in conjunction with Article 2(d) of Directive 2011/95/EU to be interpreted as follows:

that in order to determine a well-founded fear of being persecuted and a real risk of being persecuted or subjected to inhuman or degrading treatment or punishment by one of the actors specified in Article 6 of Directive 2011/95/EU, with regard to religious acts or expressions of view that are mandated by a doctrine of faith that the applicant actively professes and are a core element of the doctrine of faith or are based on the religious convictions of the applicant in the sense that they are a pillar of his religious identity, and are prohibited by criminal law in the country of origin,

- a) it is necessary to evaluate the relationship by comparing the number of members of the applicant's faith who practice their faith despite the prohibition to the number of actual acts of persecution of these acts of faith in the applicant's country of origin, including any possible uncertainties or unknowns regarding governmental enforcement practices,

or

- b) it is sufficient if, in the enforcement of the criminal law in the country of origin, the actual application of the laws threatening prosecution of religious acts or expressions of view that are mandated by a doctrine of faith that the applicant actively professes and which form a core element of the doctrine of faith or are based on the religious convictions of the applicant in the sense that they are of particular importance for his religious identity can be proved?

3. Is a provision of national administrative law under which a trial court is bound by the legal judgment of the court of third instance (here: Section 144(6) VwGO (Verwaltungsgerichtsordnung) [Administrative Court Procedure Act]) compatible with the principle of the primacy of EU law if the trial court wishes to interpret a standard in EU law differently to the court of third instance but, even after implementation of a preliminary ruling procedure pursuant to Article 267(2) TFEU, is precluded from applying this interpretation of EU law by national law binding the court to the legal analysis of the court of third instance?

(¹) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, p. 9).

Request for a preliminary ruling from the Finanzgericht Düsseldorf (Germany) lodged on 17 April 2015 — GE Healthcare GmbH v Hauptzollamt Düsseldorf

(Case C-173/15)

(2015/C 236/32)

Language of the case: German

Referring court

Finanzgericht Düsseldorf

Parties to the main proceedings

Applicant: GE Healthcare GmbH

Defendant: Hauptzollamt Düsseldorf

Questions referred

1. Can royalties or licence fees within the meaning of Article 32(1)(c) of Council Regulation (EEC) No 2913/92 (¹) establishing the Community Customs Code ('the Code') be included in the customs value even though it is not established either at the time the contract is concluded or at the relevant date as regards the incurring of the customs debt (the latter date being determined in the event of any dispute in accordance with Articles 201(2) and 214(1) of the Code) that royalties or licence fees have become chargeable?

2. If the reply to question 1 is in the affirmative: can royalties or licence fees for trade marks within the meaning of Article 32(1)(c) of the Code relate to the imported goods notwithstanding the fact that those royalties or licence fees are also paid for services and for the use of the key part of the name of the common group of companies?
3. If the reply to question 2 is in the affirmative: can royalties or licence fees for trade marks within the meaning of Article 32(1)(c) of the Code be a condition of the sale for export to the Community of the imported goods within the meaning of Article 32(5)(b) of the Code even though payment was demanded by an undertaking related to the seller and to the buyer, and was made?
4. If the reply to question 3 is in the affirmative and the royalties or licence fees relate, as here, partly to the imported goods and partly to post-importation services: does it follow from the appropriate apportionment made only on the basis of objective and quantifiable data, in accordance with Article 158(3) of Commission Regulation (EEC) No 2454/93⁽²⁾ of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ('the Implementing Regulation') and the interpretative note on Article 32(2) of the Code in Annex 23 to the Implementing Regulation, that only a customs value in accordance with Article 29 of the Code may be corrected, or, if a customs value cannot be determined in accordance with Article 29 of the Code, is the apportionment laid down in Article 158(3) of the Implementing Regulation also possible, in so far as those costs would not otherwise be taken into account, when determining a customs value to be established in accordance with Article 31 of the Code?

⁽¹⁾ OJ 1992 L 302, p. 1.

⁽²⁾ OJ 1993 L 253, p. 1.

**Request for a preliminary ruling from the Înalta Curte de Casație și Justiție (Romania) lodged on
20 April 2015 — Taser International Inc. v SC Gate 4 Business SRL, Cristian Mircea Anastasiu**

(Case C-175/15)

(2015/C 236/33)

Language of the case: Romanian

Referring court

Înalta Curte de Casație și Justiție

Parties to the main proceedings

Applicant: Taser International Inc.

Defendant: SC Gate 4 Business SRL, Cristian Mircea Anastasiu

Questions referred

Must Article 24 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁽¹⁾ be interpreted as meaning that the expression 'jurisdiction derived from other provisions of this Regulation' also covers the situation in which the parties to a contract for the assignment of rights to a trade mark registered in a Member State of the European Union have decided, unequivocally and undisputedly, to confer jurisdiction to settle any dispute regarding fulfilment of contractual obligations on the courts of a State which is not a Member State of the European Union and in which the applicant is domiciled (has its seat), while the applicant has seised a court of a Member State of the European Union in whose territory the defendant is domiciled (has its seat)?