

- 2) Is it relevant that the claim pursued by means of enforcement in a Member State other than the State in which the proceedings are opened is a fiscal claim?

⁽¹⁾ OJ 2000 L 160, p. 1.

Request for a preliminary ruling from the Tribunale ordinario di Campobasso (Italy) lodged on 11 May 2015 — Criminal proceedings against Gianpaolo Paoletti and Others

(Case C-218/15)

(2015/C 262/06)

Language of the case: Italian

Referring court

Tribunale ordinario di Campobasso

Party/parties to the main proceedings

Gianpaolo Paoletti, Umberto Castaldi, Domenico Faricelli, Antonio Angelucci, Mauro Angelucci, Antonio D'Ovidio, Camillo Volpe, Alfredo Viali, Giampaolo Canzano, Raffaele Di Giovanni, Antonio Della Valle

Questions referred

1. Must Article 7 of the ECHR, Article 49 of the Charter of Fundamental Rights of the European Union, proclaimed on 7 December 2000 in Nice, and Article 6 [TEU] be interpreted as meaning that Romania's accession to the European Union on 1 January 2007 had the effect of abolishing the criminal offence provided for in and punishable under Article 12 of Legislative Decree No 286/1998 (consolidated text [on immigration]) relating to the facilitating of the immigration and stay by Romanian nationals in the territory of the Italian State?
2. Must those provisions be interpreted as precluding a Member State from applying the principle of benign retroactivity (*in mitius*) in respect of persons who, before 1 January 2007 (or other subsequent date on which the treaty took full effect), the date on which Romania's accession to the European Union took effect, were responsible for breach of Article 12 of Legislative Decree No 286/1998 (consolidated text on immigration) in that they facilitated the immigration of Romanian nationals, which ceased to be an offence as from 1 January 2007?

Request for a preliminary ruling from the Hof van Beroep te Brussel (Belgium) lodged on 13 May 2015 — Openbaar Ministerie v Etablissements Fr. Colruyt NV

(Case C-221/15)

(2015/C 262/07)

Language of the case: Dutch

Referring court

Hof van Beroep te Brussel

Parties to the main proceedings

Appellant: Openbaar Ministerie

Respondent: Etablissements Fr. Colruyt NV

Questions referred

1. Does Article 15(1) of Directive 2011/64/EU⁽¹⁾, whether or not read in conjunction with Articles 20 and 21 of the Charter of Fundamental Rights of the European Union⁽²⁾ of 7 December 2000, preclude a national measure which requires retailers to respect minimum prices by prohibiting the application of a price for tobacco products which is lower than the price that the manufacturer/importer has affixed to the revenue stamp?

2. Does Article 34 TFEU preclude a national measure which requires retailers to respect minimum prices by prohibiting the application of a price for tobacco products which is lower than the price that the manufacturer/importer has affixed to the revenue stamp?
3. Does Article 4(3) TFEU, read in conjunction with Article 101 TFEU, preclude a national measure which requires retailers to respect minimum prices by prohibiting the application of a price for tobacco products which is lower than the price that the manufacturer/importer has affixed to the revenue stamp?

⁽¹⁾ Council Directive of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco (OJ 2011 L 176, p. 24).

⁽²⁾ OJ 2000 C 364, p. 1.

Request for a preliminary ruling from the Tribunale di Reggio Calabria (Italy) lodged on 15 May 2015 — Criminal proceedings against Domenico POLITANO*

(Case C-225/15)

(2015/C 262/08)

Language of the case: Italian

Referring court

Tribunale di Reggio Calabria

Party to the main proceedings

Domenico POLITANO*

Questions referred

- 1) Must Article 49 TFEU, as well as the principles of equal treatment and effectiveness, be interpreted as precluding national legislation in the field of betting and gambling which provides for the organisation of a fresh call for tenders (as governed by Article [10(9)g] of Law No 44 of 26 April 2012) for the award of licences that includes clauses excluding from the tendering procedure undertakings which have failed to meet the condition relating to economic and financial standing, as a result of the failure to provide for criteria other than the requirement of two bank references from two separate banks?
- 2) Must Article 47 of Directive 2004/18/EC⁽¹⁾ of the European Parliament and of the Council of 31 March 2004 be interpreted as precluding national legislation in the field of betting and gambling which provides for the organisation of a fresh call for tenders (as governed by Article [10(9)g] of Law No 44 of 26 April 2012) for the award of licences [that includes clauses excluding from the tendering procedure undertakings which have failed to meet the condition] relating to economic and financial standing, as a result of the failure to provide for alternative documentation and options, as laid down under [EU] legislation?

⁽¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114).

Appeal brought on 20 May 2015 by ultra air GmbH against the judgment of the General Court (Third Chamber) delivered on 9 March 2015 in Case T-377/13 *ultra air GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs)*

(Case C-232/15 P)

(2015/C 262/09)

Language of the case: German

Parties

Appellant: ultra air GmbH (represented by: C. König, Rechtsanwalt)