

Parties to the main proceedings

Applicant: Air Berlin PLC & Co. Luftverkehrs KG

Defendant: Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e.V.

Questions referred

1. Is the third sentence of Article 23(1) of Regulation (EC) No 1008/2008 ⁽¹⁾ to be interpreted as meaning that air carriers must specify the actual amount of taxes, airport charges and other charges, surcharges or fees listed in points (b), (c) and (d) when publishing their air fares and therefore may not partially include them in their air fares in accordance with point (a) of that provision?
2. Is Article 22(1) of Regulation (EC) No 1008/2008 to be interpreted as meaning that it precludes the application of a national law on standard business conditions, which has its basis in Union law, according to which a separate handling fee cannot be imposed on customers who have not taken a flight or cancelled a flight?

⁽¹⁾ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, OJ 2008 L 293, p. 3.

Appeal brought on 20 May 2016 by Zoohaus Bürstadt, Helmut Ofenloch GmbH & Co. KG against the judgment of the General Court (Eighth Chamber) delivered on 17 March 2016 in Case T-817/14, Zoofachhandel Züpke GmbH and Others v European Commission

(Case C-311/16 P)

(2016/C 343/35)

Language of the case: German

Parties

Appellants: Zoohaus Bürstadt, Helmut Ofenloch GmbH & Co. KG (represented by: E. Hauk, lawyer)

Other party to the proceedings: European Commission

This case was removed from the register of the Court by order of the Court of 20 July 2016.

Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg (Germany) lodged on 3 June 2016 — B v Land Baden-Württemberg

(Case C-316/16)

(2016/C 343/36)

Language of the case: German

Referring court

Verwaltungsgerichtshof Baden-Württemberg

Parties to the main proceedings

Applicant: B

Defendant: Land Baden-Württemberg

Questions referred

1. Is it outright impossible for the imposition and subsequent implementation of a custodial penalty to have the result that the integrating links of a Union citizen who entered the host Member State at the age of three must be considered to be broken, with the consequence that there is no uninterrupted period of residence of 10 years for the purposes of Article 28(3)(a) of Directive 2004/38⁽¹⁾ and therefore that there is no requirement to grant him protection against expulsion under Article 28(3)(a) of Directive 2004/38, if that Union citizen has, since entering the host Member State at the age of three, spent his entire life there and no longer has any ties to the Member State of his nationality, and the offence that resulted in imposition and implementation of a custodial sentence was committed only after he had been resident for 20 years?
2. If the answer to Question 1 is in the negative: With regard to the question of whether implementation of a custodial penalty leads to the breaking of integration links, must the custodial penalty imposed in respect of the offence giving rise to the expulsion be disregarded?
3. If the answers to Question 1 and Question 2 are in the negative: What criteria are to be used to determine whether the Union citizen affected in such a case nevertheless benefits from protection against expulsion under Article 28(3)(a) of Directive 2004/38?
4. If the answers to Question 1 and Question 2 are in the negative: Are there mandatory provisions of EU law for determining 'the precise point in time at which the question of expulsion arises' and the point in time at which an overall assessment must be made of the affected Union citizen's situation in order to establish the extent to which the non-continuous nature of the period of residence in the ten years preceding the decision to expel the person concerned prevents him from enjoying enhanced protection against expulsion?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77).

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 7 June 2016 — Global Starnet Ltd v Ministero dell'Economia e delle Finanze, Amministrazione Autonoma Monopoli di Stato

(Case C-322/16)

(2016/C 343/37)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Global Starnet Ltd

Respondents: Ministero dell'Economia e delle Finanze, Amministrazione Autonoma Monopoli di Stato

Questions referred

1. May Article 267(3) TFEU be interpreted as meaning that the court of final instance is not unconditionally obliged to refer a question on the interpretation of EU law for a preliminary ruling if, in the course of the proceedings in question, the Corte Costituzionale (Constitutional Court) assessed the constitutional lawfulness of the national rules, in essence on the basis of the regulatory parameters which the Court of Justice is being asked to interpret, even though they are formally different in that they derive from provisions of the Constitution rather than from provisions of the European Treaties?