

- is granted asylum with retroactive effect to the date of the application, and
- subsequently applies for family reunification?

⁽¹⁾ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12).

Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 3 November 2016 — Lutz GmbH v Hauptzollamt Hannover

(Case C-556/16)

(2017/C 038/11)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Lutz GmbH

Defendant: Hauptzollamt Hannover

Questions referred

1. (a) Are the European Commission Explanatory Notes to the Combined Nomenclature of the European Union ⁽¹⁾ on subheading 6212 2000 (OJ 2015 C 76, p. 1, at p. 255) to be interpreted as meaning that a panty girdle has 'restricted horizontal' elasticity where the horizontal elasticity is less than the vertical elasticity?

(b) If the answer to Question 1(a) is in the affirmative:

On the basis of which objective criteria is this comparison between vertical and horizontal elasticity to be made?

2. If the answer to Question 1(a) is in the negative:

(a) Are the European Commission Explanatory Notes to the Combined Nomenclature of the European Union on subheading 6212 2000 (OJ 2015 C 76, p. 1, at p. 255) to be interpreted as meaning that a panty girdle has 'restricted horizontal' elasticity only where the horizontal elasticity is clearly less than the vertical elasticity?

(b) If the answer to Question 2(a) is in the affirmative:

On the basis of which objective criteria is this comparison between vertical and horizontal elasticity to be made and which assessment criterion should be applied in that respect?

3. If the answer to Question 2(a) is in the negative:

(a) Are the European Commission Explanatory Notes to the Combined Nomenclature of the European Union on subheading 6212 2000 (OJ 2015 C 76, p. 1, at p. 255) to be interpreted as meaning that the restriction of horizontal elasticity in panty girdles is not defined by a comparison between vertical and horizontal elasticity but refers rather to an absolute restriction of horizontal elasticity?

(b) If the answer to Question 3(a) is in the affirmative:

On the basis of which objective criteria is it necessary to examine whether the elasticity of a panty girdle is restricted horizontally within the meaning referred to under 3(a)?

⁽¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1).