

Respondent: Taus Magamadov

Questions referred

1. Does the transitional provision contained in the first paragraph of Article 52 of Directive 2013/32/EU⁽¹⁾ preclude the application of national legislation which, in transposition of the power conferred in Article 33(2)(a) of Directive 2013/32/EU, which is more extensive than that conferred in the directive that preceded it, provides that an application for international protection is inadmissible if the applicant has been granted subsidiary protection in another Member State, in so far as the national legislation, in the absence of any national transitional provisions, is applicable even to applications lodged before 20 July 2015? Is that in any event the case if, in accordance with Article 49 of Regulation (EU) No 604/2013, the asylum application still falls entirely within the scope of Regulation (EC) No 343/2003?
2. In particular, does the transitional provision contained in the first paragraph of Article 52 of Directive 2013/32/EU allow the Member States, in particular, to transpose the extended power conferred in Article 33(2)(a) of Directive 2013/32/EU retroactively, with the result that even applications that were lodged before the entry into force of Directive 2013/32/EU and before that extended power was transposed into national law, but that were not yet the subject of a final decision at the time of transposition, are inadmissible?

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

Request for a preliminary ruling from the *Verwaltungsgericht Hamburg* (Germany) lodged on 20 July 2017 — *British American Tobacco (Germany) GmbH v Freie und Hansestadt Hamburg*

(Case C-439/17)

(2017/C 347/11)

Language of the case: German

Referring court

Verwaltungsgericht Hamburg

Parties to the main proceedings

Applicant: British American Tobacco (Germany) GmbH

Defendant: Freie und Hansestadt Hamburg

Questions referred

1. Is the first sentence of Article 7(7) of Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC⁽¹⁾ (hereinafter: 'the directive') to be interpreted as meaning that the prohibition on the placing on the market of tobacco products containing flavourings in any of their components does not cover tobacco products which have a characterising flavour, within the meaning of the definition in Article 2(25) of the directive, on account of the flavourings contained in their components?
2. If Question 1 is to be answered in the negative:

Is Article 7(14) to be interpreted as meaning that the transitional provision covers only the prohibition on the placing on the market of tobacco products with a characterising flavour under the first sentence of Article 7(1) of the directive or — also — the prohibition on the placing on the market of tobacco products containing flavourings in any of their components under the first sentence of Article 7(7) of the directive?

3. If Question 1 is to be answered in the affirmative or Question 2 is to be answered to the effect that Article 7(14) of the directive also covers the prohibition on the placing on the market of tobacco products containing flavourings in any of their components under the first sentence of Article 7(7) of the directive:

How are the expressions 'tobacco products with a characterising flavour' and 'particular product category' in Article 7(14) of the directive to be construed?

⁽¹⁾ OJ 2001 L 127, p. 1.

Request for a preliminary ruling from the Commissione Tributaria Regionale del Lazio (Italy) lodged on 24 July 2017 — Agenzia delle Dogane e dei Monopoli v Pilato SpA

(Case C-445/17)

(2017/C 347/12)

Language of the case: Italian

Referring court

Commissione Tributaria Regionale del Lazio

Parties to the main proceedings

Applicant: Agenzia delle Dogane e dei Monopoli

Defendant: Pilato SpA

Question referred

Has CN heading 8704 of the Combined Nomenclature to be interpreted to the effect that it must include hearses? If the answer to the first question is in the negative, are hearses to be classified under CN heading 8705 or CN heading 8703?

Request for a preliminary ruling from the Tribunal de commerce de Liège (Belgium) lodged on 27 July 2017 — Zako SPRL v Sanidel SA

(Case C-452/17)

(2017/C 347/13)

Language of the case: French

Referring court

Tribunal de commerce de Liège

Parties to the main proceedings

Applicant: Zako SPRL

Defendant: Sanidel SA

Questions referred

1. Must Article 1(2) of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents ⁽¹⁾ be interpreted as requiring the commercial agent to seek and visit customers or suppliers outside of the business premises of the principal?
2. Must Article 1(2) of Directive 86/653/EEC be interpreted as requiring the commercial agent to carry out no tasks other than those relating to the negotiation of the sale or purchase of goods on behalf of the principal or to the negotiation and conclusion of such transactions on behalf of and in the name of the principal?