

**Request for a preliminary ruling from the Conseil supérieur de la Sécurité sociale (Luxembourg)
lodged on 19 December 2018 — Caisse pour l'avenir des enfants v FV, GW**

(Case C-802/18)

(2019/C 82/15)

Language of the case: French

Referring court

Conseil supérieur de la Sécurité sociale

Parties to the main proceedings

Appellant: Caisse pour l'avenir des enfants

Respondents: FV, GW

Questions referred

1. Must Luxembourg family allowances awarded pursuant to Articles 269 and 270 of the Code de la sécurité sociale (Social Security Code) be treated as a social advantage within the meaning of Article 45 TFEU and Article 7(2) of Regulation 492/2011 on freedom of movement for workers within the Union? ⁽¹⁾
2. If they are so treated, the definition of member of the family applicable under Article 1(i) of Regulation 883/2004 ⁽²⁾ is at odds with the broader definition of family member in Article 2(2) of Directive 2004/38/EC of the European Parliament and of the Council ⁽³⁾ when the latter excludes, contrary to what is established by the Coordination Regulation, all autonomy of the Member State in defining a member of the family, and excludes any, subsidiary, concept of a person who is mainly dependent. Must the definition of member of the family under Article 1(i) of Regulation 883/2004 prevail given its specificity in the context of the coordination of social security systems and, above all, does the Member State retain competence to define members of the family who are entitled to family allowances?
3. If Article 2(2) of Directive 2004/38/EC of the European Parliament and of the Council is applicable to family benefits and more precisely to Luxembourg family allowances, can the exclusion of the child of a spouse from the definition of a member of the family be considered indirect discrimination that is justified in view of the domestic objective of the Member State of safeguarding the personal right of the child and the need to protect the authorities of the Member State of employment when extension of the personal field of application amounts to an unreasonable burden for the Luxembourg family benefits system, which, in particular, exports almost 48 % of its family benefits?

⁽¹⁾ Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ 2011 L 141, p. 1).

⁽²⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

⁽³⁾ 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 Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on
20 December 2018 — AAS BALTA v UAB GRIFS AG**

(Case C-803/18)

(2019/C 82/16)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Appellant in cassation: AAS BALTA

Other party to the proceedings in cassation: UAB GRIFS AG

Question referred

Must Articles 15(5) and 16(5) of Regulation (EU) No 1215/2012⁽¹⁾ of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters be construed as meaning that, in the case of large-risk insurance, an agreement conferring jurisdiction included in the insurance contract concluded between the policyholder and the insurer may be relied on against a person insured under that contract who has not expressly subscribed to that clause and who is habitually resident or established in a Member State other than that of the policyholder and the insurer?

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).

Request for a preliminary ruling from the Krajský súd v Trnave (Slovakia) lodged on 21 December 2018 — DHL Logistics (Slovakia), spol. s r.o. v Finančné riaditeľstvo Slovenskej republiky

(Case C-810/18)

(2019/C 82/17)

Language of the case: Slovak

Referring court

Krajský súd v Trnave

Parties to the main proceedings

Appellant: DHL Logistics (Slovakia), spol. s r.o.

Respondent: Finančné riaditeľstvo Slovenskej republiky

Question referred

Must the wording of Combined Nomenclature subheading 8525 80 91 set out in Annex I to Council Regulation (EEC) No 2658/87⁽¹⁾ of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff resulting from the Explanatory Notes published pursuant to that regulation in 2011⁽²⁾ (Commission Communication 2011/C 137/01) be interpreted as meaning that goods such as the digital video camera recorders at issue in the present case may also be classified under that subheading even though they are capable of capturing and recording video images only of a quality of less than 800 x 600 pixels, specifically, 720 x 576 pixels, given that their other function — the capturing and recording of still images — is limited to a still image quality of 1 600 x 1 200 pixels (1,92 megapixels)?

⁽¹⁾ OJ 1987 L 256, p. 1.

⁽²⁾ OJ 2011 C 137, p. 1.
