

Respondent authority: Bezirkshauptmannschaft Linz-Land

Other party to the proceedings: AW

Questions referred

1. Are rules of national law that oblige a court, when taking expert evidence as required in a procedure for the award of a licence, to obtain an expert's report from an occupational self-governing organisation whose decision-making bodies are in fact dominated mostly by members of an occupational group whose interests tend to conflict with those of the occupational group to which the applicant for the licence belongs, or — in the event that such rules are contrary to EU law — from an official expert employed by a public authority, compatible with the appearance of impartiality of that court required by Article 47 of the Charter of Fundamental Rights of the European Union?
2. Does a rule of national law that sets a projected guaranteed potential customer base — specifically at 5 500 people — which de facto cannot be verified by the courts, comply with the requirements of Articles 15 to 17 of the Charter in so far as, pursuant to those provisions, interference with such a guarantee is permissible only if the principle of proportionality is complied with?

Request for a preliminary ruling from the Oberlandesgericht Wien (Austria) lodged on 31 August 2020 — Österreichische Apothekerkammer v HA

(Case C-407/20)

(2020/C 443/05)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Applicant: Österreichische Apothekerkammer

Defendant: HA

Question referred

Is Article 36 TFEU to be interpreted as meaning that a national prohibition on mail-order sales of *in vitro* diagnostic medical devices for determining HIV status intended by the manufacturer to be able to be used by lay persons in their home environment, that is a measure having equivalent effect within the meaning of Article 34 TFEU, is justified in order to protect the health and life of humans?

Request for a preliminary ruling from the Oberlandesgericht Köln (Germany) lodged on 8 September 2020 — RK v CR

(Case C-422/20)

(2020/C 443/06)

Language of the case: German

Referring court

Oberlandesgericht Köln

Parties to the main proceedings

Applicant: RK

Defendant: CR