

### Questions referred

1. Do the quantitative limits on the release for consumption established by Article 106 of the Código dos Impostos Especiais do Consumo (Excise Duty Code, 'the CIEC') constitute quantitative restrictions on imports or measures having equivalent effect within the meaning of Article 34 TFEU, in so far as Article 106 stipulates that, during the last four months of each year, the quantities of cigarettes sold by operators may not exceed the average monthly quantity of cigarettes released for consumption in the 12 months immediately preceding?
2. Is it contrary to the rules on the chargeability of excise duty established by Articles 7 and 9 of Council Directive 2008/118/EC <sup>(1)</sup> of 16 December 2008 to levy tax on any quantities of cigarettes that exceed the quantitative limit on the release for consumption established under Article 106(2) of the CIEC at the rate applicable on the date on which the declaration of discharge is lodged, in accordance with Article 106(7) of the CIEC?

<sup>(1)</sup> Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ 2009 L 9, p. 12).

---

**Request for a preliminary ruling from the Cour d'appel de Paris (France) lodged on 14 February 2022 — Eurelec Trading SCRL v Ministre de l'Économie et des Finances, Scabel SA, Groupement d'Achat des Centres Édouard Leclerc (GALEC), Association des Centres distributeurs Édouard Leclerc (ACDLEC)**

**(Case C-98/22)**

(2022/C 198/36)

*Language of the case: French*

### Referring court

Cour d'appel de Paris

### Parties to the main proceedings

*Appellant:* Eurelec Trading SCRL

*Respondents:* Ministre de l'Économie et des Finances, Scabel SA, Groupement d'Achat des Centres Édouard Leclerc (GALEC), Association des Centres distributeurs Édouard Leclerc (ACDLEC)

### Question referred

Are 'civil and commercial' matters, as defined in Article 1(1) of Regulation 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, <sup>(1)</sup> to be interpreted as including in the scope of that regulation an action — and the judicial decision rendered at the end of the proceedings — (i) brought by the French Minister for Economic Affairs and Finances pursuant to (former) Article L 442-6, I, 2° of the French Commercial Code against a Belgian company, (ii) seeking a declaration of the existence of restrictive practices, an order that they cease and an order that the alleged perpetrator of those practices pay a civil fine, (iii) on the basis of evidence obtained in the exercise of his specific powers of investigation?

<sup>(1)</sup> OJ 2012 L 351, p. 1.

---

**Request for a preliminary ruling from the Landesgericht für Zivilrechtssachen Graz (Austria) lodged on 28 February 2022 — TLL The Longevity Labs GmbH v Optimize Health Solutions<sub>mi</sub> GmbH and BM**

**(Case C-141/22)**

(2022/C 198/37)

*Language of the case: German*

### Referring court

Landesgericht für Zivilrechtssachen Graz

**Parties to the main proceedings**

*Applicant:* TLL The Longevity Labs GmbH

*Defendants:* Optimize Health Solutions<sub>mi</sub> GmbH, BM

**Questions referred**

1. Is Article 3(2)(a)(iv) of Regulation (EU) [2015/2283] <sup>(1)</sup> of the European Parliament and of the Council of 25 November 2015 on novel foods to be interpreted as meaning that ‘sprouted buckwheat flour with a high spermidine content’ is a novel food, inasmuch as only sprouted buckwheat flour without a raised spermidine content was used for human consumption to a significant degree within the European Union before 15 May 1997 or has a history of safe food use thereafter, irrespective of how the spermidine comes to be in the sprouted buckwheat flour?
2. If Question 1 is answered in the negative: Is Article 3(2)(a)(vii) of Regulation (EU) [2015/2283] of the European Parliament and of the Council of 25 November 2015 on novel foods to be interpreted as meaning that the term ‘production process’ for food includes primary production processes?
3. If Question 2 is answered in the affirmative: Does the novelty of a production process within the meaning of Article 3(2)(a)(vii) of Regulation (EU) [2015/2283] of the European Parliament and of the Council of 25 November 2015 on novel foods depend on whether the production process itself has never before been used for any food or whether it has not been used for the food under assessment?
4. If Question 2 is answered in the negative: Does the germination of buckwheat seed in a nutrient solution containing spermidine qualify as a primary production process for a plant to which food legislation, including Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, does not apply, as the plant is not a food prior to harvesting (Article 2(c) of Regulation (EC) No 178/2002)? <sup>(2)</sup>
5. Does it make a difference if the nutrient solution contains natural or synthetic spermidine?

<sup>(1)</sup> Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ 2015 L 327, p. 1).

<sup>(2)</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ 2002 L 31, p. 1).

---

**Reference for a preliminary ruling from the High Court (Ireland) made on 25 February 2022 —  
Hellfire Massy Residents Association v An Bord Pleanála, The Minister for Housing, Heritage and  
Local Government, Ireland, The Attorney General**

(Case C-166/22)

(2022/C 198/38)

*Language of the case: English*

**Referring court**

High Court (Ireland)

**Parties to the main proceedings**

*Applicant:* Hellfire Massy Residents Association

*Defendants:* An Bord Pleanála, The Minister for Housing, Heritage and Local Government, Ireland, The Attorney General

*Other parties:* South Dublin County Council, An Taisce — The National Trust for Ireland, Save the Bride Otters