

6. Must EU law, in particular Commission Implementing Regulation (EU) 2016/1821 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, be interpreted as meaning that the fact that soya meal is unfit for human consumption does not prevent it from being classified under heading 2304 of the nomenclature?
7. Must EU law, in particular Commission Implementing Regulation (EU) 2016/1821 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, be interpreted as meaning that soya meal such as that at issue in the present proceedings, that is to say, soya meal which undergoes the toasting process required in order to remove the hexane used in oil extraction (which is harmful to animal and human health), is included under heading 2304 or under heading 2309 of the nomenclature?

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(<sup>1</sup>) OJ 2016 L 294, p. 1.

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**Request for a preliminary ruling from the Conseil d'État (Belgium) lodged on 8 June 2022 — XXX v  
Commissaire général aux réfugiés et aux apatrides**

(Case C-374/22)

(2022/C 326/14)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Appellant:* XXX

*Respondent:* Commissaire général aux réfugiés et aux apatrides

**Questions referred**

1. 'Are Article 2(j) and Article 23 of "Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted" (<sup>1</sup>) to be interpreted as applying to the father of two children who were born in Belgium and who have been recognised as refugees there, whereas Article 2(j) of Directive 2011/95/EU specifies that the family members of the beneficiary of international protection who are covered by Directive 2011/95/EU are such "in so far as the family already existed in the country of origin"?'
2. 'Does the fact relied on by the appellant at the hearing, that his children are dependent on him and that, according to the appellant, the best interests of his children require that international protection be granted to him, mean, in the light of recitals 18, 19 and 38 of Directive 2011/95/EU, that the concept of family members of the beneficiary of international protection, covered by Directive 2011/95/EU, is extended to a family that did not exist in the country of origin?'
3. 'If the first two questions referred for a preliminary ruling are answered in the affirmative, can Article 23 of Directive 2011/95/EU, which has not been transposed into Belgian law to provide for the granting of a residence permit or international protection to the father of children who were recognised as refugees in Belgium and who were born there, have direct effect?'
4. 'If so, does Article 23 of Directive 2011/95/EU confer, in the absence of transposition, on the father of children recognised as refugees in Belgium and born there the right to claim the benefits referred to in Articles 24 to 35, including a residence permit allowing him to reside legally in Belgium with his family, or the right to obtain international protection even if the father does not individually qualify for such protection?'

5. 'Does the effectiveness of Article 23 of the Qualification Directive, read in the light of Articles 7, 18 and 24 of the Charter of Fundamental Rights of the European Union and recitals 18, 19 and 38 of the Qualification Directive, require Member States that have not amended their national laws so that family members (within the meaning of Article 2(j) of that directive or in respect of whom there are particular circumstances of dependency) of the beneficiary of such status may, if they do not individually qualify for such status, claim certain benefits, to grant those family members the right to derivative refugee status so that they may claim those benefits in order to maintain family unity?'
6. 'Does the effectiveness of Article 23 of the Qualification Directive, read in the light of Articles 7, 18 and 24 of the Charter of Fundamental Rights of the European Union and recitals 18, 19 and 38 of the Qualification Directive, require Member States that have not amended their national laws so that family members (within the meaning of Article 2(j) of that directive or in respect of whom there are particular circumstances of dependency) of the beneficiary of such status may, if they do not individually qualify for such status, claim certain benefits, to grant those family members the right to derivative refugee status so that they may claim those benefits in order to maintain family unity?'

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(<sup>1</sup>) OJ 2011 L 337, p. 9.

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**Request for a preliminary ruling from the Pécsi Törvényszék (Hungary) lodged on 14 June 2022 —  
Tüke Busz Közösségi Közlekedési Zrt. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága**

(Case C-391/22)

(2022/C 326/15)

*Language of the case: Hungarian*

**Referring court**

Pécsi Törvényszék

**Parties to the main proceedings**

*Applicant:* Tüke Busz Közösségi Közlekedési Zrt.

*Defendant:* Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága

**Question referred**

Are the decision adopted in this case by the Nemzeti Adó- és Vámhivatal (National Tax and Customs Authority) and the practice followed by that authority, whereby 'regular passenger transport does not include the mileage necessary for the maintenance of regular passenger transport vehicles or for refuelling', compatible with the provisions of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity? (<sup>1</sup>)

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(<sup>1</sup>) OJ 2003 L 283, p. 51.

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**Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 21 June  
2022 — AB v Disziplinartrat der Österreichischen Apothekerkammer**

(Case C-417/22)

(2022/C 326/16)

*Language of the case: German*

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Appellant on a point of law:* AB

*Respondent authority:* Disziplinartrat der Österreichischen Apothekerkammer