

Other parties to the proceedings: European Union Intellectual Property Office, The Bazooka Companies, Inc.

By order of 2 February 2023, the Court of Justice (Chamber determining whether appeals may proceed) held that the appeal was not allowed to proceed and that the Appellant should bear his own costs.

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 28 December 2022 — R GmbH v Bürgermeister der Landeshauptstadt Innsbruck

(Case C-790/22, Bürgermeister der Landeshauptstadt Innsbruck)

(2023/C 94/28)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Appellant on a point of law: R GmbH

Respondent authority: Bürgermeister der Landeshauptstadt Innsbruck

Questions referred

1. Must Article 14(2)(b) of Regulation (EC) No 178/2002, ⁽¹⁾ read in conjunction with Article 14(5) thereof, be interpreted as precluding legislation of a Member State or an interpretation of that legislation whereby a food is to be regarded as unfit for human consumption if its usability in accordance with its intended purpose is not guaranteed, without any of the reasons set out in Article 14(5) of Regulation No 178/2002 for food being unacceptable for human consumption (contamination by extraneous matter or otherwise, or putrefaction, deterioration or decay) having to be present?

If the first question is answered in the negative:

2. Must Article 14(2)(b) of Regulation No 178/2002, read in conjunction with Article 14(5) thereof, be interpreted as meaning that a food must be considered to be unfit for human consumption if, when consumed as intended, it significantly exceeds (fivefold, in the case of an average adult with a body weight of 70 kg) a level regarded by the European Food Safety Authority, in its evaluation of a food additive (contained in the food), as the acceptable daily intake (ADI)?

⁽¹⁾ 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).

Request for a preliminary ruling from the Kúria (Hungary) lodged on 2 January 2023 — X v Agrárminiszter

(Case C-6/23, Baramlay) ⁽¹⁾

(2023/C 94/29)

Language of the case: Hungarian

Referring court

Kúria

Parties to the main proceedings

Applicant and appellant on a point of law: X

Defendant and respondent in the appeal on a point of law: Agrárminiszter