

Article 22(1)(b) and Article 22(2) of Regulation No 1408/71, in the version amended and updated by Regulation No 118/97, as amended by Regulation No 307/1999, must be interpreted as meaning that a person in a situation such as that at issue in the main proceedings retains the right to receive the benefits referred to in Article 22(1)(b) after transferring his residence to a Member State other than the competent State, provided that he has obtained authorisation for that purpose.

<sup>(1)</sup> OJ C 320, 28.9.2015.

---

**Judgment of the Court (Eighth Chamber) of 9 February 2017 (request for a preliminary ruling from the Finanzgericht Bremen — Germany) — Madaus GmbH v Hauptzollamt Bremen**

(Case C-441/15) <sup>(1)</sup>

**(Reference for a preliminary ruling — Common Customs Tariff — Tariff classification — Combined Nomenclature — Headings 3824 90 97 and 2106 90 92 — Product in powder form composed of calcium carbonate (95 %) and modified starch (5 %))**

(2017/C 104/26)

Language of the case: German

**Referring court**

Finanzgericht Bremen

**Parties to the main proceedings**

Applicant: Madaus GmbH

Defendant: Hauptzollamt Bremen

**Operative part of the judgment**

The Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, in the version resulting from Commission Implementing Regulation (EU) No 1001/2013 of 4 October 2013 must be interpreted to the effect that a product, such as that at issue in the main proceedings, used for the manufacture of calcium tablets in the form of simple tablets, effervescent tablets and chewable tablets, consisting of chemically defined calcium carbonate in powder form and, to improve suitability for use in tablets, added modified starch, and with a starch content of less than 5 % by weight, must be classified under heading 2106 of that nomenclature.

<sup>(1)</sup> OJ C 398, 30.11.2015.

---

**Judgment of the Court (Eighth Chamber) of 26 January 2017 — Kingdom of Spain v European Commission**

(Case C-506/15 P) <sup>(1)</sup>

**(Appeal — European Agricultural Fund for Rural Development (EAFRD) — Expenditure excluded from EU financing — Regulations (EC) No 1698/2005, (EC) No 1975/2006 and (EC) No 796/2004 — Rural development support measures — Areas with natural handicaps — On-the-spot controls — Coefficient density of livestock — Counting of animals)**

(2017/C 104/27)

Language of the case: Spanish

**Parties**

Appellant: Kingdom of Spain (represented by: M. A. Sampol Pucurull, acting as Agent)

Other party to the proceedings: European Commission (represented by: I. Galindo Martín and G. von Rintelen, acting as Agents)

Intervener in support of the appellant: French Republic (represented by: D. Colas and A. Daly, acting as Agents)

### Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Kingdom of Spain to pay the costs;
3. Orders the French Republic to bear its own costs.

---

<sup>(1)</sup> OJ C 381, 16.11.2015.

---

### Judgment of the Court (Second Chamber) of 8 February 2017 (request for a preliminary ruling from the Cour d'appel de Paris — France) — Carrefour Hypermarchés SAS v ITM Alimentaire International SASU

(Case C-562/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Comparative advertising — Directive 2006/114/EC — Article 4 — Directive 2005/29/EC — Article 7 — Objective price comparison — Misleading omission — Advertising comparing the prices of goods sold in shops having different sizes or formats — Permissibility — Material information — Degree of communication of information and the medium for communication of that information)*

(2017/C 104/28)

Language of the case: French

### Referring court

Cour d'appel de Paris

### Parties to the main proceedings

Appellant: Carrefour Hypermarchés SAS

Respondent: ITM Alimentaire International SASU

### Operative part of the judgment

Article 4(a) and (c) of Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising, read in conjunction with Article 7(1) to (3) of Directive 2005/29/EC of the European Parliament and Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council, and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), must be interpreted as meaning that advertising, such as that at issue in the main proceedings, which compares the prices of products sold in shops having different sizes or formats, where those shops are part of retail chains each of which includes a range of shops having different sizes or formats and where the advertiser compares the prices charged in shops having larger sizes or formats in its retail chain with those displayed in shops having smaller sizes or formats in the retail chains of competitors, is liable to be unlawful, within the meaning of Article 4(a) and (c) of Directive 2006/114, unless consumers are informed clearly and in the advertisement itself that the comparison was made between the prices charged in shops in the advertiser's retail chain having larger sizes or formats and those indicated in the shops of competing retail chains having smaller sizes or formats.