

Parties to the main proceedings

Appellant: X BV

Other party: Staatssecretaris van Financiën

Questions referred

1. (a) Should Article 145(2) of the Regulation implementing the Community Customs Code (CCIP), ⁽¹⁾ read in conjunction with Article 29(1) and (3) of the Community Customs Code (CCC), ⁽²⁾ be interpreted as meaning that the rule laid down therein also applies in a case where it is established that, at the time of acceptance of the declaration for specific goods, there was a manufacture-related risk that a component of the goods might become defective during use, and in view of this the seller, pursuant to a contractual warranty towards the buyer, grants the latter a price reduction in the form of reimbursement of the costs incurred by the buyer in modifying the goods in order to exclude that risk?
1. (b) In the event that the rule laid down in Article 145(2) of the CCIP does not apply in the case referred to above, are the provisions of Article 29(1) and (3) of the CCC, read in conjunction with Article 78 of the CCC, sufficient, without more, to reduce the declared customs value after the aforementioned price reduction has been granted?
2. Is the condition laid down in Article 145(3) of the CCIP for adjustment of the customs value referred to therein, namely that the adjustment of the price actually paid or payable for the goods must have been made within a period of twelve months following the date of acceptance of the declaration for entry to free circulation, contrary to the provisions of Articles 78 and 236 of the CCC, read in conjunction with Article 29 of the CCC?

⁽¹⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1).

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).

Action brought on 18 December 2015 — European Commission v Grand Duchy of Luxembourg

(Case C-684/15)

(2016/C 098/26)

Language of the case: French

Parties

Applicant: European Commission (represented by: M. Heller and K.-Ph. Wojcik, acting as Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

The applicant claims that the Court should:

- declare that, by not adopting every law, regulation and administrative provision necessary for compliance with Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012 of the European Parliament and of the Council, ⁽¹⁾ or, in any event, by not notifying those provisions to the Commission, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 130(1) of that directive;

- impose on the Grand Duchy of Luxembourg, in accordance with Article 260(3) TFEU, a penalty payment of EUR 6 700 per day from the date of delivery of the judgment in the case for failure to fulfil the obligation to communicate the transposition measures of Directive 2014/59/EU;
- order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period prescribed for the transposition of Directive 2014/59/EU expired on 31 December 2014.

(¹) OJ 2014 L 173, p. 190.

Request for a preliminary ruling from the Cour administrative d'appel de Douai (France) lodged on 21 December 2015 — Wencelas de Lobkowicz v Ministère des Finances et des Comptes publics

(Case C-690/15)

(2016/C 098/27)

Language of the case: French

Referring court

Cour administrative d'appel de Douai

Parties to the main proceedings

Applicant: Wencelas de Lobkowicz

Defendant: Ministère des Finances et des Comptes publics

Question referred

Is there any principle of EU law which precludes an official of the European Commission being subject to the *contribution sociale généralisée* (general social contribution), the *prélèvement social* (social levy), and additional contributions to that levy at the rate of 0.3 % and 1.1 % on income from real estate received in a Member State of the European Union?

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) made on 28 December 2015 — Secretary of State for the Home Department v David Davis, Tom Watson, Peter Brice, Geoffrey Lewis

(Case C-698/15)

(2016/C 098/28)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicant: Secretary of State for the Home Department

Defendants: David Davis, Tom Watson, Peter Brice, Geoffrey Lewis