

**Request for a preliminary ruling from the Tribunalul Specializat Mureş (Romania) lodged on
21 October 2016 — Michael Tibor Bachman v FAER IFN SA**

(Case C-535/16)

(2017/C 038/09)

Language of the case: Romanian

Referring court

Tribunalul Specializat Mureş

Parties to the main proceedings

Applicant: Michael Tibor Bachman

Defendant: FAER IFN SA

Question referred

Must Article 2([b]) of Directive 93/13/EEC, ⁽¹⁾ which defines the term ‘consumer’, be interpreted as covering also a natural person who, by means of a novation agreement, has undertaken to repay to a commercial operator, which is a professional lending institution, loans originally granted to a company for purposes inherent in that company’s business activity, that is to say, for investment in the business of the carriage of goods by road, in the case where [that] natural person has no evident link with that company but acted in that way on the basis of links, outside his trade, business or profession, with the person who controlled the company which received the original loans and also with the persons who signed contracts ancillary to the original loan contracts (contracts of guarantee, contracts providing immovable property as security/mortgages)?

⁽¹⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

**Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Amsterdam
(Netherlands) lodged on 31 October 2016 — A, S v Staatssecretaris van Veiligheid en Justitie**

(Case C-550/16)

(2017/C 038/10)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats Amsterdam

Parties to the main proceedings

Applicants: A, S

Defendant: Staatssecretaris van Veiligheid en Justitie

Question referred

In matters relating to family reunification for refugees, must the term ‘unaccompanied minor’, within the meaning of Article 2(f) of Council Directive 2003/86/EC ⁽¹⁾ of 22 September 2003 on the right to family reunification, also cover a third-country national or stateless person below the age of 18 who arrives on the territory of a Member State unaccompanied by an adult responsible by law or custom and who:

— applies for asylum,

— during the asylum procedure, attains the age of 18 on the territory of the Member State,

- is granted asylum with retroactive effect to the date of the application, and
- subsequently applies for family reunification?

(¹) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12).

Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 3 November 2016 — Lutz GmbH v Hauptzollamt Hannover

(Case C-556/16)

(2017/C 038/11)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Lutz GmbH

Defendant: Hauptzollamt Hannover

Questions referred

1. (a) Are the European Commission Explanatory Notes to the Combined Nomenclature of the European Union (¹) on subheading 6212 2000 (OJ 2015 C 76, p. 1, at p. 255) to be interpreted as meaning that a panty girdle has 'restricted horizontal' elasticity where the horizontal elasticity is less than the vertical elasticity?

(b) If the answer to Question 1(a) is in the affirmative:

On the basis of which objective criteria is this comparison between vertical and horizontal elasticity to be made?

2. If the answer to Question 1(a) is in the negative:

(a) Are the European Commission Explanatory Notes to the Combined Nomenclature of the European Union on subheading 6212 2000 (OJ 2015 C 76, p. 1, at p. 255) to be interpreted as meaning that a panty girdle has 'restricted horizontal' elasticity only where the horizontal elasticity is clearly less than the vertical elasticity?

(b) If the answer to Question 2(a) is in the affirmative:

On the basis of which objective criteria is this comparison between vertical and horizontal elasticity to be made and which assessment criterion should be applied in that respect?

3. If the answer to Question 2(a) is in the negative:

(a) Are the European Commission Explanatory Notes to the Combined Nomenclature of the European Union on subheading 6212 2000 (OJ 2015 C 76, p. 1, at p. 255) to be interpreted as meaning that the restriction of horizontal elasticity in panty girdles is not defined by a comparison between vertical and horizontal elasticity but refers rather to an absolute restriction of horizontal elasticity?

(b) If the answer to Question 3(a) is in the affirmative:

On the basis of which objective criteria is it necessary to examine whether the elasticity of a panty girdle is restricted horizontally within the meaning referred to under 3(a)?

(¹) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1).