

**Judgment of the Court (Tenth Chamber) of 6 September 2018 (request for a preliminary ruling from the Finanzgericht Hamburg — Germany) — Kreyenhop & Kluge GmbH & Co. KG v Hauptzollamt Hannover**

(Case C-471/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Customs Union and Common Customs Tariff — Tariff and statistical nomenclature — Classification of goods — Fried instant noodles — Tariff subheading 1902 30 10)*

(2018/C 399/13)

Language of the case: German

**Referring court**

Finanzgericht Hamburg

**Parties to the main proceedings**

Applicant: Kreyenhop & Kluge GmbH & Co. KG

Defendant: Hauptzollamt Hannover

**Operative part of the judgment**

The Combined Nomenclature set out 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 927/2012 of 9 October 2012, must be interpreted as meaning that subheading 1902 30 10 thereof covers instant noodle dishes, such as those at issue in the main proceedings, which are, in essence, composed of a block of pre-cooked and fried noodles.

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<sup>(1)</sup> OJ C 374, 6.11.2017.

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**Judgment of the Court (Eighth Chamber) of 6 September 2018 — Basic Net SpA v European Union Intellectual Property Office (EUIPO)**

(Case C-547/17 P) <sup>(1)</sup>

*(Appeal — EU trade mark — Figurative trade mark representing three vertical stripes — Proof of distinctive character acquired through use)*

(2018/C 399/14)

Language of the case: Italian

**Parties**

Appellant: Basic Net SpA (represented by: D. Sindico, avvocato)

Other party to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: L. Rampini, acting as Agent)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;

2. Orders Basic Net SpA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).

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<sup>(1)</sup> OJ C 13, 15.1.2018.

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**Order of the Court (Eighth Chamber) of 6 September 2018 (request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich — Austria) — Proceedings brought by Gmalieva s.r.o. and Others**

(Case C-79/17) <sup>(1)</sup>

**Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Freedom to provide services — Gambling services — Gambling monopoly in a Member State — National legislation prohibiting the operation of slot machines without prior authorisation from the administrative authorities**

(2018/C 399/15)

Language of the case: German

**Referring court**

Landesverwaltungsgericht Oberösterreich

**Parties to the main proceedings**

Applicants: Gmalieva s.r.o., Celik KG, PBW GmbH, Antoaneta Claudia Gruber, Play For Me GmbH, Haydar Demir

Intervener: Landespolizeidirektion Oberösterreich

**Operative part of the order**

It is for the referring court to determine, in the light of the guidance given by the Court of Justice *inter alia* in the judgment of 30 April 2014, *Pfleger and Others* (C-390/12, EU:C:2014:281), whether a national statutory monopoly scheme in respect of games of chance, such as that at issue in the main proceedings, is to be regarded as coherent, in the light of Article 56 TFEU *et seq.*, where national judicial proceedings have established that:

- gambling addiction does not represent a societal problem justifying State intervention;
- the playing of prohibited games gives rise to police involvement in an administrative context and not to criminal offences;
- annual State income from games of chance exceeds EUR 500 million, being 0,4 % of the annual budget; and
- the advertising measures undertaken by licensees also seek principally to entice persons who have not previously played games of chance to do so.

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<sup>(1)</sup> OJ C 178, 6.6.2017.