

**Parties to the main proceedings**

*Applicant:* Vision Research Europe BV

*Defendant:* Inspecteur van de Belastingdienst/Douane kantoor Rotterdam Rijnmond

**Question referred**

Is Commission Implementing Regulation (EU) No 113/2014 <sup>(1)</sup> of 4 February 2014 concerning the classification of certain goods in the Combined Nomenclature valid if the Rechtbank is correct in its provisional view that subheading 8525 80 30 should be interpreted as meaning that the camera, as described in 2 and 12 above, which has a volatile memory whereby the images captured in the camera are lost when subsequent images are captured or when the camera is switched off, can be classified thereunder?

<sup>(1)</sup> OJ 2014 L 38, p. 20.

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**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 26 June 2017 —  
Staatssecretaris van Veiligheid en Justitie, K. and B.; other parties: H.Y., Staatssecretaris van Veiligheid  
en Justitie**

(Case C-380/17)

(2017/C 300/22)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Appellants:* Staatssecretaris van Veiligheid en Justitie, K. and B.

*Other parties:* H.Y., Staatssecretaris van Veiligheid en Justitie

**Questions referred**

1. Having regard to Article 3(2)(c) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12) and to the judgment of 18 October 2012 in *Nolan* (Case C-583/10, EU: C:2012:638), does the Court of Justice have jurisdiction to answer questions referred for a preliminary ruling by courts in the Netherlands on the interpretation of provisions of that directive in proceedings concerning the right of residence of a member of the family of a person with subsidiary protection status, if that directive has, under Netherlands law, been declared directly and unconditionally applicable to persons with subsidiary protection status?
2. Does the system provided for by Council Directive 2003/86/EC ... preclude a national rule, such as that at issue in the main proceedings, under which an application for consideration for family reunification on the basis of the more favourable provisions of Chapter V of that directive can be rejected for the sole reason that it was not submitted within the period laid down in the third subparagraph of Article 12(1)?

For the purpose of answering this question, does any relevance attach to the fact that it is possible, in the event of the aforementioned period being exceeded, to submit an application for family reunification, whether or not after a rejection, in which an assessment is made as to whether the requirements laid down in Article 7 of Directive 2003/86/EC have been met and in which the interests and circumstances indicated in Articles 5(5) and 17 of that directive are taken into account?

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