

Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 13 October 2017 — Kreyenhop & Kluge GmbH & Co. KG v Hauptzollamt Hannover

(Case C-593/17)

(2018/C 032/18)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Kreyenhop & Kluge GmbH & Co. KG

Defendant: Hauptzollamt Hannover

Questions referred

1. Is Commission Implementing Regulation (EU) No 767/2014 of 11 July 2014 concerning the classification of certain goods in the Combined Nomenclature ⁽¹⁾ valid?
2. If the answer to the first question is in the negative: Is the European Commission's explanatory note to subheading 1902 3010 of the Combined Nomenclature, which was published on 4 March 2015, to be taken into consideration in the interpretation of subheading 1902 3010 of the CN in so far as frying is mentioned in that note as an example of an industrial drying process?

⁽¹⁾ OJ 2014 L 209, p. 12.

Request for a preliminary ruling from the Gerechtshof Den Haag (Netherlands) lodged on 6 November 2017 — Criminal proceedings against Tronex BV

(Case C-624/17)

(2018/C 032/19)

Language of the case: Dutch

Referring court

Gerechtshof Den Haag

Parties to the main proceedings

Tronex BV

Questions referred

Question 1

1. (a) Is a retailer which sends back an object returned by a consumer, or an object in its product range that has become redundant, to its supplier (namely the importer, wholesaler, distributor, producer or anyone else from whom it has obtained the object) pursuant to the agreement between the retailer and its supplier to be regarded as a holder which discards the object, within the meaning of Article 3.1 of the Framework Directive? ⁽¹⁾
 - (b) Would the answer to Question 1.(1) be different if the object is one which has an easily repairable fault or defect?
 - (c) Would the answer to Question 1.(1) be different if the object is one which has a fault or defect of such extent or severity that it is, as a result, no longer suitable or usable for its original purpose?

Question 2

2. (a) Is a retailer or supplier which sells on an object returned by a consumer, or an object in its product range which has become redundant, to a buyer (of residual consignments) to be regarded as a holder which discards the object, within the meaning of Article 3.1 of the Framework Directive?
- (b) Is the answer to Question 2.(1) affected by the amount of the purchase price to be paid by the buyer to the retailer or supplier?
- (c) Would the answer to Question 2.(1) be different if the object is one which has an easily repairable fault or defect?
- (d) Would the answer to Question 2.(1) be different if the object is one which has a fault or defect of such extent or severity that it is, as a result, no longer suitable or usable for its original purpose?

Question 3

3. (a) Is the buyer which sells on to a (foreign) third party a large consignment of goods bought from retailers and suppliers and returned by consumers, and/or goods that have become redundant, to be regarded as a holder which discards a consignment of goods, within the meaning of Article 3.1 of the Framework Directive?
- (b) Is the answer to Question 3.(1) affected by the amount of the purchase price to be paid by the third party to the buyer?
- (c) Would the answer to Question 3.(1) be different if the consignment of goods also contains some goods which have an easily repairable fault or defect?
- (d) Would the answer to Question 3.(1) be different if the consignment of goods also contains some goods which have a fault or defect of such extent or severity that the object in question is no longer, as a result, suitable or usable for its original purpose?
- (e) Is the answer to Questions 3.(3) or 3.(4) affected by the percentage of the whole consignment of the goods sold on to the third party that is made up of defective goods? If so, what percentage is the tipping point?

⁽¹⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ 2008 L 312, p. 3).

**Request for a preliminary ruling from the Supremo Tribunal de Justiça (Portugal) lodged on
18 October 2017 — J. Portugal Ramos Vinhos SA v Adega Cooperativa de Borba CRL**

(Case C-629/17)

(2018/C 032/20)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Applicant: J. Portugal Ramos Vinhos SA

Defendant: Adega Cooperativa de Borba CRL