

Request for a preliminary ruling from the Sąd Okręgowy w Poznaniu (Poland) lodged on 17 April 2018 — Aqua med sp. z o.o., established in Opalenica v Irena Skóra

(Case C-266/18)

(2018/C 249/14)

Language of the case: Polish

Referring court

Sąd Okręgowy w Poznaniu

Parties to the main proceedings

Applicant: Aqua med sp. z o.o., established in Opalenica

Defendant: Irena Skóra

Questions referred

1. Must a review, by a national court of its own motion, of the provisions of a contract concluded with a consumer determining which court has jurisdiction to hear a dispute, and which is based on Article 6(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts⁽¹⁾ and on the case-law of the Court of Justice of the European Union (judgment in Case C-243/08, *Pannon GSM Zrt v Erzsébet Sustikné Győrfi*), also cover those provisions of the contract which, although governing the matter of jurisdiction for settling disputes between the parties, confine themselves to referring to rules of national law?
2. If the answer to the first question is in the affirmative, must the review by that court lead to rules of jurisdiction being applied in such a way as to guarantee consumers protection under the Directive, that is to say, that the case can be dealt with by the court which is closest to the consumer's place of domicile or habitual residence?

⁽¹⁾ OJ 1993 L 95, p. 29.

Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on 17 April 2018 — Delta Antrepriză de Construcții și Montaj 93 SA v Compania Națională de Administrare a Infrastructurii Rutiere SA

(Case C-267/18)

(2018/C 249/15)

Language of the case: Romanian

Referring court

Curtea de Apel București

Parties to the main proceedings

Applicant: Delta Antrepriză de Construcții și Montaj 93 SA

Defendant: Compania Națională de Administrare a Infrastructurii Rutiere SA

Question referred

Can Article 57(4)(g) of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC⁽¹⁾ be interpreted as meaning that the termination of a public works contract on the ground that part of the works was subcontracted without the contracting authority's authorisation constitutes a significant or persistent deficiency in the performance of a substantive requirement under a prior public contract leading to an economic operator being excluded from participation in a public procurement procedure?

⁽¹⁾ OJ 2014 L 94, p. 65.

Request for a preliminary ruling from the Curtea de Apel Bacău (Romania) lodged on 18 April 2018 — SC Onlineshop SRL v Agenția Națională de Administrare Fiscală (ANAF), Direcția Generală a Vămilelor

(Case C-268/18)

(2018/C 249/16)

Language of the case: Romanian

Referring court

Curtea de Apel Bacău

Parties to the main proceedings

Appellant: SC Onlineshop SRL

Respondents: Agenția Națională de Administrare Fiscală (ANAF), Direcția Generală a Vămilelor

Questions referred

1. Must the Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff,⁽¹⁾ as amended by Commission Implementing Regulation (EU) No 2016/1821 of 6 October 2016,⁽²⁾ be interpreted as meaning that apparatus such as the GPS navigation system PNI S 506, at issue in the present dispute, is to be classified under tariff subheading 8526 91, subheading 8526 91 20, or heading 8528, subheading 8528 59 00, thereof?
2. Are the versions of the Combined Nomenclature, as amended, successively, by Commission Implementing Regulation (EU) No 698/2012⁽³⁾ and Commission Implementing Regulation (EU) No 459/2014,⁽⁴⁾ relevant for the purposes of determining the correct tariff classification of apparatus such as the navigation system at issue in the present dispute, in the sense that they may be applicable, by analogy, to products which are similar to the navigation system in question, and does the application by analogy of those provisions support the interpretation of the [Combined Nomenclature] provided by the customs authority?

⁽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).

⁽²⁾ Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2016 L 294, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 698/2012 of 25 July 2012 concerning the classification of certain goods in the Combined Nomenclature (OJ 2012 L 203, p. 34).

⁽⁴⁾ Commission Implementing Regulation (EU) No 459/2014 of 29 April 2014 amending certain regulations on the classification of goods in the Combined Nomenclature (OJ 2014 L 133, p. 43).
