

Request for a preliminary ruling from the Krajský soud v Ostravě — pobočka v Olomouci (Czech Republic) lodged on 7 May 2018 — KORADO, a.s. v Generální ředitelství cel

(Case C-306/18)

(2018/C 240/32)

Language of the case: Czech

Referring court

Krajský soud v Ostravě — pobočka v Olomouci

Parties to the main proceedings

Applicant: KORADO, a.s.

Defendant: Generální ředitelství cel

Questions referred

1. Is Commission Implementing Regulation (EU) 2015/23 ⁽¹⁾ of 5 January 2015, in which the goods described in column 1 of the table in the annex are classified under sub-heading 7 307 93 19 of the Combined Nomenclature, valid?
2. If that Regulation is invalid, could the articles concerned be classified under sub-heading 7 322 19 00 of the Combined Nomenclature?
3. If that Regulation is valid, must the articles concerned be classified under sub-heading 7 307 93 19 of the Combined Nomenclature?

⁽¹⁾ Commission Implementing Regulation (EU) 2015/23 of 5 January 2015 concerning the classification of certain goods in the Combined Nomenclature, OJ 2015 L 4, p. 15.

Reference for a preliminary ruling from Competition Appeal Tribunal, London (United Kingdom) made on 7 May 2018 — Generics (UK) Ltd, GlaxoSmithKline plc, Xellia Pharmaceuticals ApS, Alphanra, LLC, formerly Zoetis Products LLC, Actavis UK Ltd and Merck KGaA v Competition and Markets Authority

(Case C-307/18)

(2018/C 240/33)

Language of the case: English

Referring court

Competition Appeal Tribunal, London

Parties to the main proceedings

Applicants: Generics (UK) Ltd, GlaxoSmithKline plc, Xellia Pharmaceuticals ApS, Alphanra, LLC, formerly Zoetis Products LLC, Actavis UK Ltd and Merck KGaA

Defendant: Competition and Markets Authority

Questions referred

Potential competition

1. For the purpose of Article 101(1) TFEU, are the holder of a patent for a pharmaceutical drug and a generic company seeking to enter the market with a generic version of the drug to be regarded as potential competitors when the parties are in bona fide dispute as to whether the patent is valid and/or the generic product infringes the patent?