

**Request for a preliminary ruling from the Administrativen sad Varna (Bulgaria) lodged on
19 October 2018 — Mitnitsa Varna v Schenker EOOD**

(Case C-655/18)

(2019/C 4/22)

Language of the case: Bulgarian

Referring court

Administrativen sad Varna

Parties to the main proceedings

Appellant in cassation: Mitnitsa Varna

Respondent in cassation: Schenker EOOD

Questions referred

1. Should Article 242(1)(a) and (b) of Regulation (EU) No 952/2013 ⁽¹⁾ of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code be interpreted as meaning that, under the specific circumstances of the main proceedings, the theft of goods placed under a customs warehousing procedure constitutes a removal from the customs warehousing procedure that gives cause for the imposition of a financial penalty on the authorisation holder for an offence under customs legislation?
2. Is the imposition of a charge equivalent to the value of the goods that were the subject of the customs offence (in this case removal from the customs warehousing procedure) an administrative penalty within the meaning of Article 42(1) and (2) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, and is a national provision regulating such a payment, alongside the imposition of the financial penalty, permissible? Does such a rule meet the criteria of effectiveness, proportionality and dissuasiveness of penalties for failure to comply with the EU customs legislation laid down in the second sentence of Article 42(1) of the regulation?

⁽¹⁾ OJ 2013 L 269, p. 1.

**Request for a preliminary ruling from the Općinski sud u Novom Zagrebu (Croatia) lodged on
19 October 2018 — Hrvatska radiotelevizija v TY**

(Case C-657/18)

(2019/C 4/23)

Language of the case: Croatian

Referring court

Općinski sud u Novom Zagrebu

Parties to the main proceedings

Applicant: Hrvatska radiotelevizija

Defendant: TY

Questions referred

1. Is Article 1 of the Ovršni zakon (Law on enforcement, published in *Narodne novine* No 112/12, 25/13, 93/14, 55/16 and 73/17), a provision of national legislation which empowers notaries to enforce debts on the basis of an authentic document by issuing an enforcement order, such as a writ of execution, without the express consent of the debtor against whom enforcement is sought, in accordance with Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 18 of the Treaty on the Functioning of the European Union, having regard to the judgments of the Court in Cases C-484/15 and C-551/15?