

2. Article 8(5) of Regulation No 994/2010 must be interpreted as precluding national legislation that requires natural gas suppliers to comply with their obligations to hold gas stocks, in order to guarantee security of supply in the event of crisis, necessarily and exclusively through infrastructure located within the territory of the Member State. In the present case, it is however for the referring court to ascertain whether the power which the competent authority has under the national legislation to take account of the 'other regulatory instruments' available to the suppliers concerned ensures that it is actually possible for them to meet their obligations at regional level or at European Union level.

<sup>(1)</sup> OJ C 251, 11.7.2016.

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**Judgment of the Court (First Chamber) of 20 December 2017 (request for a preliminary ruling from the Københavns Byret — Denmark) — Criminal proceedings against Bent Falbert, Poul Madsen, JP/Politikens Hus A/S**

(Case C-255/16) <sup>(1)</sup>

*(References for a preliminary ruling — Information procedure in the field of technical rules and regulations — National legislation clarifying or introducing a prohibition on unauthorised offering of gaming, lotteries and betting and introducing a prohibition on unauthorised offering of advertising for gaming, lotteries and betting)*

(2018/C 072/13)

Language of the case: Danish

**Referring court**

Københavns Byret

**Party/parties in the main proceedings**

Bent Falbert, Poul Madsen, JP/Politikens Hus A/S

**Operative part of the judgment**

Article 1 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998, must be interpreted as meaning that a national provision such as that at issue in the main proceedings, which provides for criminal sanctions where an unauthorised offer is made of gaming, lotteries or betting on the national territory, does not constitute a technical regulation within the meaning of that provision, subject to the notification obligation under Article 8(1) of that directive. However, a national provision such as that at issue in the main proceedings, which provides for sanctions in the event of advertising for unauthorised gaming, lotteries or betting, does constitute a technical regulation within the meaning of that provision, subject to the notification obligation under Article 8(1) of that directive, as it is clear from the travaux préparatoires for that provision of national law that its object and purpose was to extend a pre-existing prohibition on advertising to cover online gaming services, which it is for the national court to determine.

<sup>(1)</sup> OJ C 251, 11.7.2016.

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**Judgment of the Court (Fourth Chamber) of 20 December 2017 — Binca Seafoods GmbH v European Commission**

(Case C-268/16 P) <sup>(1)</sup>

*(Appeal — Regulation (EC) No 834/2007 — Production and labelling of organic products — Regulation (EC) No 889/2008 — Implementing Regulation (EU) No 1358/2014 — Interest in bringing proceedings — Notion of 'personal benefit')*

(2018/C 072/14)

Language of the case: German

**Parties**

Appellant: Binca Seafoods GmbH (represented by: H. Schmidt, Rechtsanwalt)

Other party to the proceedings: European Commission (represented by: A. Lewis, G. von Rintelen and K. Walkerová, Agents)

### Operative part of the judgment

The Court:

1. Sets aside the order of the General Court of the European Union of 11 March 2016, *Binca Seafoods v Commission* (T-94/15, not published, EU:T:2016:164);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

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<sup>(1)</sup> OJ C 279, 1.8.2016.

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**Judgment of the Court (Seventh Chamber) of 20 December 2017 (request for a preliminary ruling from the Corte suprema di cassazione) — Prequ' Italia Srl v Agenzia delle Dogane e dei Monopoli (Case C-276/16) <sup>(1)</sup>**

**(Reference for a preliminary ruling — Principle of protection of the rights of the defence — Right to be heard — Regulation (EEC) No 2913/92 — Community Customs Code — Article 244 — Recovery of a customs debt — Lack of prior hearing of the addressee before the adoption of an amended tax assessment — Right of the addressee to obtain suspension of the implementation of the amended tax assessment — Lack of automatic suspension in the event of the bringing of administrative proceedings — Reference to the conditions provided for in Article 244 of the Customs Code)**

(2018/C 072/15)

Language of the case: Italian

### Referring court

Corte suprema di cassazione

### Parties to the main proceedings

Applicant: Prequ' Italia Srl

Defendant: Agenzia delle Dogane e dei Monopoli

### Operative part of the judgment

The right of any person to be heard before the adoption of a decision likely to adversely affect his interests must be interpreted as meaning that the rights of defence of the addressee of an amended tax assessment adopted by the customs authorities, in the absence of a prior hearing of the person concerned, are not infringed if the national legislation which allows the person concerned to contest that measure in the context of an administrative review merely provides the possibility to request the suspension of the implementation of that measure until its possible amendment by referring to Article 244 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council of 16 November 2000 without the initiation of an administrative appeal automatically suspending the implementation of the contested measure, since the application of the second paragraph of Article 244 of that regulation, by the customs authorities, does not restrict the grant of a suspension of implementation where there are reasons to doubt the conformity of the contested decision with the customs legislation or that irreparable damage is to be feared for the person concerned.

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<sup>(1)</sup> OJ C 305, 22.8.2016.