

Request for a preliminary ruling from the Tribunal de grande instance de Perpignan (France) lodged on 14 December 2015 — Procureur de la République v Noria Distribution SARL

(Case C-672/15)

(2016/C 090/11)

Language of the case: French

Referring court

Tribunal de grande instance de Perpignan

Parties to the main proceedings

Prosecutor: Procureur de la République

Defendant: Noria Distribution SARL

Questions referred

1. Do Directive 2002/46/EC ⁽¹⁾ and Community principles of free movement of goods and of mutual recognition preclude the laying down of national legislation such as the order of 9 May 2006 which refuses any mutual recognition procedure so far as concerns food supplements based on vitamins and minerals from another Member State by excluding the application of a streamlined procedure in respect of products lawfully marketed in another Member State that are based on nutrients [whose values exceed the limits set] by the order of 9 May 2006?
2. Does Directive 2002/46, in particular in Article 5, as well as the principles resulting from Community case-law on the provisions relating to the free movement of goods, permit the maximum daily doses of vitamins and minerals to be set in proportion to the recommended daily allowances by adopting a value equal to three times the recommended daily allowances for nutrients presenting the least risk, a value equal to the recommended daily allowances for nutrients presenting a risk of the upper safe level being exceeded and a value below the recommended daily allowances or even zero for nutrients involving the most risk?
3. Does Directive 2002/46, as well as the principles resulting from Community case-law on the provisions relating to the free movement of goods, permit the doses to be set [in the light of] solely national scientific opinions even though recent international scientific opinions [conclude in favour of] higher doses in identical conditions of use?

⁽¹⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ 2002 L 183, p. 51).

Appeal brought on 16 December 2015 by Office for Harmonisation in the Internal Market (Trade Marks and Designs) against the judgment of the General Court (Fourth Chamber) delivered on 7 October 2015 in Case T-299/11: European Dynamics Luxembourg SA, Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE, European Dynamics Belgium SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-677/15 P)

(2016/C 090/12)

Language of the case: English

Parties

Appellant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: N. Bambara, agent, P. Wytinck, B. Hoorelbeke, lawyers)

Other parties to the proceedings: European Dynamics Luxembourg SA, Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE, European Dynamics Belgium SA