

**Request for a preliminary ruling from the Handelsgericht Wien (Austria) lodged on 21 May 2014 —
Thomas Cook Belgium NV v Thurner Hotel GmbH**

(Case C-245/14)

(2014/C 303/13)

Language of the case: German

Referring court

Handelsgericht Wien

Parties to the main proceedings

Appellant: Thomas Cook Belgium NV

Respondent: Thurner Hotel GmbH

Questions referred

1. Is Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure ('Regulation No 1896/2006') ⁽¹⁾ to be interpreted as meaning that a defendant may apply for a review by the competent court of the European order for payment in accordance with Article 20(2) of Regulation No 1896/2006 also where the order for payment was effectively served on him but was issued by a court which lacks jurisdiction on the basis of the information relating to jurisdiction provided in the application form?
2. If the answer to Question 1 is in the affirmative: Do exceptional circumstances within the meaning of Article 20(2) of Regulation No 1896/2006 already exist in accordance with paragraph 25 of European Commission Notice 2004/0055 of 7 February 2006 where the European order for payment was issued on the basis of information provided in the application form which may subsequently prove to be inaccurate, particularly where the jurisdiction of the court depends on that information?

⁽¹⁾ OJ 2006 L 399, p. 1.

**Request for a preliminary ruling from the Kecskeméti Közigazgatási és Munkaügyi Bíróság (Hungary)
lodged on 26 May 2014 — György Balázs v Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Vám-
és Pénzügyőri Főigazgatósága**

(Case C-251/14)

(2014/C 303/14)

Language of the case: Hungarian

Referring court

Kecskeméti Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: György Balázs

Defendant: Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Vám- és Pénzügyőri Főigazgatósága

Questions referred

1. Must Article 4(1) and Article 5 of Directive 98/70/EC ⁽¹⁾ of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC be interpreted as meaning that, in addition to the quality requirements laid down in the national legislation adopted on the basis of that directive, other national legislation may not impose on a fuel supplier quality requirements set out in a national standard that go beyond those provided in the Directive?
2. Must Article 1(6) and (11) of Directive 98/34/EC ⁽²⁾ 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], be interpreted as meaning that, if a technical regulation is in force (in this case, a ministerial order adopted on the basis of enabling legislation), the application of a national standard adopted in the same field can only be voluntary, that is to say, the legislation may not prescribe the mandatory application thereof?
3. Is the criterion of availability to the public of the national standard laid down in [Article 1](6) of Directive 98/34/EC met by a rule that, at the time at which it should have been applied according to the administrative authority, was not available in the national language?

⁽¹⁾ OJ 1998 L 350, p. 58.

⁽²⁾ OJ 1998 L 204, p. 37.

**Request for a preliminary ruling from the Kecskeméti Közigazgatási és Munkaügyi Bíróság (Hungary)
lodged on 27 May 2014 — Robert Michal Chmielewski v Nemzeti Adó- és Vámhivatal Dél-alföldi
Regionális Vám- és Pénzügyőri Főigazgatósága**

(Case C-255/14)

(2014/C 303/15)

Language of the case: Hungarian

Referring court

Kecskeméti Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Robert Michal Chmielewski

Defendant: Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Vám- és Pénzügyőri Főigazgatósága

Questions referred

- 1) Does the amount of the fine imposed by Paragraph 5/A of Law XLVIII of 2007 implementing Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community ⁽¹⁾ ('the national implementing law') fulfil the requirement in Article 9(1) of that Regulation, according to which the penalties laid down by national law must be effective, dissuasive and, at the same time proportionate to the infringement and to the objective pursued?...