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Language of document : English

Reference for a preliminary ruling from High Court of Justice Queen's Bench Division (Administrative Court) (England and Wales) (United Kingdom) made on 27 October 2014 – Pillbox 38 (UK) Limited, trading as "Totally Wicked" v Secretary of State for Health (Case C-477/14)

Language of the case: English

Referring court

High Court of Justice Queen's Bench Division (Administrative Court)

Parties to the main proceedings

Applicant: Pillbox 38 (UK) Limited, trading as « Totally Wicked »

Defendant: Secretary of State for Health

Questions referred

Is Article 20 of Directive 2014/40/EU of the European Parliament and of the Council of April 2014¹ on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC² invalid, either in whole or in a relevant part, for one or more of the following reasons:

It imposes either as a whole or in a relevant part a series of obligations on electronic cigarette manufacturers and/or retailers which infringe the principle of proportionality, read in conjunction with the principle of legal certainty?

For equivalent or similar reasons, it fails to comply with the principle of equality and/or unlawfully distorts competition?

It fails to comply with the principle of subsidiarity?

It infringes the rights of electronic cigarette manufacturers or retailers under Articles 16 and/or 17 of the Charter of Fundamental Rights?

¹ OJ L 127, p. 1

² OJ L 194, p. 26