

Parties to the main proceedings

Applicant: Citroën Commerce GmbH

Defendant: Zentralvereinigung des Kraftfahrzeuggewerbes zur Aufrechterhaltung lauterer Wettbewerbs e.V. (ZLW)

Operative part of the judgment

Article 3 of Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers, read in conjunction with Article 1 and Article 2(a) of that directive, must be interpreted as meaning that costs in connection with the transfer of a motor vehicle from the manufacturer to the dealer, which are payable by the consumer, must be included in the selling price of that vehicle indicated in an advertisement made by the trader when, having regard to all the features of that advertisement, in the eyes of the consumer it sets out an offer concerning that vehicle. It is for the referring court to determine whether all those conditions are satisfied.

⁽¹⁾ OJ C 462, 22.12.2014.

**Judgment of the Court (Grand Chamber) of 29 June 2016 (request for a preliminary ruling from the
Hanseatisches Oberlandesgericht Hamburg — Germany) — Criminal proceedings against Piotr
Kossowski**

(Case C-486/14) ⁽¹⁾

(Reference for a preliminary ruling — Convention Implementing the Schengen Agreement — Articles 54 and 55(1)(a) — Charter of Fundamental Rights of the European Union — Article 50 — Ne bis in idem principle — Whether an accused may be prosecuted in a Member State after criminal proceedings brought against him in another Member State have been terminated by the public prosecutor's office without a detailed investigation — No examination of the merits of the case)

(2016/C 335/08)

Language of the case: German

Referring court

Hanseatisches Oberlandesgericht Hamburg

Party in the main proceedings

Piotr Kossowski

Other party: Generalstaatsanwaltschaft Hamburg

Operative part of the judgment

The principle of *ne bis in idem* laid down in Article 54 of the Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, which was signed in Schengen (Luxembourg) on 19 June 1990, read in the light of Article 50 of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that a decision of the public prosecutor terminating criminal proceedings and finally closing the investigation procedure against a person, albeit with the possibility of its being reopened or annulled, without any penalties having been imposed, cannot be characterised as a final decision for the purposes of those articles when it is clear from the statement of reasons for that decision that the procedure was closed without a detailed investigation having been carried out; in that regard, the fact that neither the victim nor a potential witness was interviewed is an indication that no such investigation took place.

⁽¹⁾ OJ C 16, 19.1.2015.
