

Parties to the main proceedings

Applicant: Ryanair Ltd

Other party: PR Aviation BV

Question referred

Does the operation of the [Database Directive] ⁽¹⁾ also extend to online databases which are not protected by copyright on the basis of Chapter II of the Directive, and also not by a sui generis right on the basis of Chapter III, in the sense that the freedom to use such databases through the (whether or not analogous) application of Articles 6(1) and 8 in conjunction with Article 15 [of the Database Directive], may not be limited contractually?

⁽¹⁾ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ 1996 L 77, p. 20).

**Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on
27 January 2014 — Minister Finansów v Wojskowa Agencja Mieszkaniowa w Warszawie**

(Case C-42/14)

(2014/C 135/21)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Appellant on a point of law: Minister Finansów

Respondent on a point of law: Wojskowa Agencja Mieszkaniowa w Warszawie

Questions referred

- (1) Must Article 14(1), Article 15(1) and Article 24(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾ be interpreted as meaning that there are supplies by the landlord of electricity, heat, water and refuse disposal services to the tenant of the premises directly using those goods and services, which are supplied to those premises by specialist third persons, in a situation where one of the parties to the agreements for the supply of those goods and services is the landlord, who simply passes on the costs thereof to the tenant who actually uses them?
- (2) If the answer to Question 1 is in the affirmative, do the costs of electricity, heat, water and refuse disposal used by the tenant of the premises increase, as regards the landlord, the taxable amount (rent), as referred to in Article 73 of Directive 2006/112/EC, resulting from the supply of the rental service, or do the supplies of goods and services in question constitute supplies separate from the rental service?

⁽¹⁾ OJ 2006 L 347, p. 1.