

2. Does Community law, and in particular recital 31 in the preamble to, and Article 5(2)(b) of, Directive 2001/29/EC, preclude national rules (in particular Article 71-sexies of the Italian Law on copyright, in conjunction with the [Decree of] 30 December 2009, and the instructions on reimbursement given by the SIAE, that provide that, in the case of media and devices acquired for purposes clearly unrelated to private copying (that is to say, for professional use only), reimbursement may be requested only by the final user rather than the producer of the media and devices?

⁽¹⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, p. 10).

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 18 December 2014 —
Association nationale des opérateurs détaillants en énergie (ANODE) v Premier ministre, Ministre de
l'économie, de l'industrie et du numérique, Commission de régulation de l'énergie, GDF Suez**

(Case C-121/15)

(2015/C 178/08)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Association nationale des opérateurs détaillants en énergie (ANODE)

Defendants: Premier ministre, Ministre de l'économie, de l'industrie et du numérique, Commission de régulation de l'énergie, GDF Suez

Questions referred

1. Must the intervention of a Member State consisting in requiring the incumbent supplier to offer to supply final consumers with natural gas at regulated tariffs, but which does not preclude competing offers from being made at prices lower than those tariffs by the incumbent supplier or alternative suppliers, be regarded as leading to a situation whereby price levels for the supply of natural gas to final consumers are determined independently of free market forces and as constituting, by its very nature, an obstacle to the achievement of a competitive market in natural gas, as referred to in Article 3(1) of Directive 2009/73/EC ⁽¹⁾?
2. If the first question is to be answered in the affirmative, what criteria should be used to assess the compatibility with Directive 2009/73/EC of such State intervention in the price of the supply of natural gas to final consumers?

In particular:

- (a) To what extent and under what conditions does Article 106(2) TFEU, read in conjunction with Article 3(2) of Directive 2009/73/EC, enable Member States to pursue, by intervening in prices for the supply of natural gas to consumers, objectives other than maintaining the price of supply at a reasonable level, such as ensuring secure supply and territorial cohesion?

- (b) In the light of the objectives of secure supply and territorial cohesion, does Article 3(2) of Directive 2009/73/EC permit a Member State to intervene in determining the price of the supply of natural gas on the basis of the principle that the incumbent supplier's costs be covered in full, and may the costs intended to be covered by the tariffs include components other than the portion representing long-term supply?

⁽¹⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ 2009 L 211, p. 94).

Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 12 March 2015 — Salutas Pharma GmbH v Hauptzollamt Hannover

(Case C-124/15)

(2015/C 178/09)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Salutas Pharma GmbH

Defendant: Hauptzollamt Hannover

Question referred

Is the Combined Nomenclature in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and the statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, as amended by Commission Regulation (EC) No 1777/2001 of 7 September 2001 ⁽²⁾ to be interpreted as meaning that effervescent tablets with a calcium content of 500 mg per tablet that are used for the prevention and treatment of a calcium deficiency and to support a special therapy for the prevention and treatment of osteoporosis and for which the maximum recommended daily dose for adults indicated on the label is 3 tablets (= 1 500 mg) are to be classified under subheading 3004 9000?

⁽¹⁾ OJ 1987 L 256, p. 1.

⁽²⁾ OJ 2001 L 240, p. 4.

Request for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 18 March 2015 — H.C. Chavez-Vilchez and Others, other parties: Raad van bestuur van de Sociale verzekeringsbank (Svb) and Others

(Case C-133/15)

(2015/C 178/10)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Applicants: H.C. Chavez-Vilchez, P. Pinas, U. Nikolic, X.V. Garcia Perez, J. Uwituze, Y.R.L. Wip, I.O. Enowassam, A.E. Guerrero Chavez,