

Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main (Germany) lodged on 25 April 2016 — Coty Germany GmbH v Parfümerie Akzente GmbH

(Case C-230/16)

(2016/C 260/26)

Language of the case: German

Referring court

Oberlandesgericht Frankfurt am Main

Parties to the main proceedings

Applicant: Coty Germany GmbH

Defendant: Parfümerie Akzente GmbH

Questions referred

1. Do selective distribution systems that have as their aim the distribution of luxury goods and primarily serve to ensure a 'luxury image' for the goods constitute an aspect of competition that is compatible with Article 101(1) TFEU?
2. If the first question is answered in the affirmative:

Does it constitute an aspect of competition that is compatible with Article 101(1) TFEU if the members of a selective distribution system operating at the retail level of trade are prohibited generally from engaging third-party undertakings discernible to the public to handle internet sales, irrespective of whether the manufacturer's legitimate quality standards are contravened in the specific case?

3. Is Article 4(b) of Regulation (EU) No 330/2010⁽¹⁾ to be interpreted as meaning that a prohibition of engaging third-party undertakings discernible to the public to handle internet sales that is imposed on the members of a selective distribution system operating at the retail level of trade constitutes a restriction of the retailer's customer group 'by object'?
4. Is Article 4(c) of Regulation (EU) No 330/2010 to be interpreted as meaning that a prohibition of engaging third-party undertakings discernible to the public to handle internet sales that is imposed on the members of a selective distribution system operating at the retail level of trade constitutes a restriction of passive sales to end users 'by object'?

⁽¹⁾ Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices, OJ 2010 L 102, p. 1.

Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 25 April 2016 — Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Generalitat de Catalunya

(Case C-233/16)

(2016/C 260/27)

Language of the case: Spanish

Referring court

Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección Segunda

Parties to the main proceedings

Appellant: Asociación Nacional de Grandes Empresas de Distribución (ANGED)

Respondent: Generalitat de Catalunya

Questions referred

1. Must Articles 49 TFEU and 54 TFEU be interpreted as precluding a regional tax imposed on the use of individual large retail spaces with sales areas covering 2 500 m² or more due to their potential effect on planning, the environment and urban retailing patterns in the region, but which, as a matter of law, applies irrespective of whether or not such retail establishments are actually situated in a consolidated urban area and in practice usually affects undertakings from other Member States, given that: (i) it does not affect traders who own several retail establishments, each with sales areas of less than 2 500 m², whatever the total sales area of all of those establishments together; (ii) it exempts collective retail establishments; (iii) it excludes individual retail establishments which are garden centres and those selling vehicles, building materials, machinery and industrial supplies; and (iv) retail establishments given over essentially to the sale of furniture, sanitary ware and doors and windows and those that are do-it-yourself stores are required to pay the tax on only 40 % of the relevant net tax base?
2. Must Article 107(1) TFEU be interpreted as meaning that the following constitute State aid prohibited under that provision: (i) the full exemption from the IGEC of individual retail establishments whose sales areas are less than 2 500 m², of collective retail establishments and of individual retail establishments which are garden centres and those selling vehicles, building materials, machinery and industrial supplies; and (ii) the partial exemption from the IGEC of individual retail establishments given over essentially to the sale of furniture, sanitary ware and doors and windows and of do-it-yourself stores?
3. If those full and partial exemptions from the IGEC constitute State aid within the meaning of Article 107(1) TFEU, what would the scope *ratione temporis* of such a finding be, in the light of the letter dated 2 October 2013 from the Director for State Aid, Directorate-General for Competition (DG COMP) to the Permanent Representation of Spain to the European Union in connection with case CP 11/01, concerning alleged aid granted by the Autonomous Community of Catalonia under the law passed by the Catalan Parliament?

**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 25 April 2016 —
Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Consejería de Hacienda y
Sector Público de la Administración del Principado de Asturias**

(Case C-234/16)

(2016/C 260/28)

Language of the case: Spanish

Referring court

Tribunal Supremo, Sala de lo Contencioso-Administrativo, Sección Segunda

Parties to the main proceedings

Appellant: Asociación Nacional de Grandes Empresas de Distribución (ANGED)

Respondent: Consejería de Hacienda y Sector Público de la Administración del Principado de Asturias