

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