

**Question referred**

Should Article 2(2)(a) of Council Directive 2000/78/EC<sup>(1)</sup> of 27 November 2000 establishing a general framework for equal treatment in employment and occupation be interpreted as meaning that the prohibition on wearing, as a female Muslim, a headscarf at the workplace does not constitute direct discrimination where the employer's rule prohibits all employees from wearing outward signs of political, philosophical and religious beliefs at the workplace?

<sup>(1)</sup> OJ 2000 L 303, p. 16.

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**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 3 April 2015 —  
Elektriciteits Produktiemaatschappij Zuid-Nederland NV v het bestuur van de Nederlandse  
Emissieautoriteit**

**(Case C-158/15)**

(2015/C 205/25)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Applicant:* Elektriciteits Produktiemaatschappij Zuid-Nederland NV

*Other party:* het bestuur van de Nederlandse Emissieautoriteit

**Questions referred**

1. Does a situation such as the present, where coal is stored in a coal park where CO<sub>2</sub> emissions occur as a result of self-heating, where the centre of the coal park is about 800 meters distant from the edge of the coal-fired power plant, where the two sites are separated from each other by a public road and where the coal is transported from the storage site to the power plant by means of a conveyor belt passing over the road, fall within the scope of the term 'installation' as referred to in Article 3(e) of Directive 2003/87/EC<sup>(1)</sup> of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC?
2. Does 'fuel exported from the installation' in Article 27(2) of Commission Regulation (EU) No 601/2012<sup>(2)</sup> of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council refer to a situation such as the present, where coal is lost during storage in the coal park due to combustion resulting from self-heating?

<sup>(1)</sup> OJ 2003 L 275, p. 32.

<sup>(2)</sup> OJ 2012 L 181, p. 30.

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**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on  
7 April 2015 — GS Media BV v Sanoma Media Netherlands BV and Others**

**(Case C-160/15)**

(2015/C 205/26)

*Language of the case: Dutch*

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Applicant:* GS Media BV

*Defendants:* Sanoma Media Netherlands BV, Playboy Enterprises International Inc., Britt Geertruida Dekke

**Questions referred**

- 1(a) If anyone other than the copyright holder refers by means of a hyperlink on a website controlled by him to a website which is managed by a third party and is accessible to the general internet public, on which the work has been made available without the consent of the rightholder, does that constitute a 'communication to the public' within the meaning of Article 3(1) of Directive 2001/29<sup>(1)</sup>?
- 1(b) Does it make any difference if the work was also not previously communicated, with the rightholder's consent, to the public in some other way?
- 1(c) Is it important whether the 'hyperlinker' is or ought to be aware of the lack of consent by the rightholder for the placement of the work on the third party's website mentioned in 1(a) above and, as the case may be, of the fact that the work has also not previously been communicated, with the rightholder's consent, to the public in some other way?
- 2(a) If the answer to question 1(a) is in the negative: in that case, is there, or could there be deemed to be, a communication to the public if the website to which the hyperlink refers, and thus the work, is indeed findable for the general internet public, but not easily so, with the result that the publication of the hyperlink greatly facilitates the finding of the work?
- 2(b) In answering question 2(a), is it important whether the 'hyperlinker' is or ought to be aware of the fact that the website to which the hyperlink refers is not easily findable by the general internet public?
3. Are there other circumstances which should be taken into account when answering the question whether there is deemed to be a communication to the public if, by means of a hyperlink, access is provided to a work which has not previously been communicated to the public with the consent of the rightholder?

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<sup>(1)</sup> 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 201 L 167, p. 10).

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**Appeal brought on 9 April 2015 by European Commission against the judgment of the General Court (Ninth Chamber) delivered on 5 February 2015 in Case T-473/12: Aer Lingus Ltd. v European Commission**

**(Case C-164/15 P)**

(2015/C 205/27)

*Language of the case: English*

**Parties**

*Appellant:* European Commission (represented by: L. Flynn, D. Grespan, T. Maxian Rusche, B. Stromsky, Agents)

*Other parties to the proceedings:* Aer Lingus Ltd., Ireland

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment of the General Court (Ninth Chamber) of 5 February 2015 in Case T-473/12 *Aer Lingus v Commission* in so far as it held that Commission Decision 2013/199/EU of 25 July 2012 on State aid SA.29064 (11/C, ex 11/NN) — Differentiated air travel tax rates implemented by Ireland<sup>(1)</sup> was annulled in so far as that decision orders the recovery of the aid from the beneficiaries for an amount which is set at EUR 8 per passenger in recital 70 of that decision; and