

Parties to the main proceedings

Applicants: Nederlands Uitgeversverbond, Groep Algemene Uitgevers

Defendants: Tom Kabinet Internet BV, Tom Kabinet Holding BV, Tom Kabinet Uitgeverij BV

Questions referred

1. Is Article 4(1) of the Copyright Directive ⁽¹⁾ to be construed as meaning that ‘any form of distribution to the public by sale or otherwise of the original of their works or copies thereof’ as referred to therein includes making available remotely by downloading, for use for an unlimited period, e-books (being digital copies of books protected by copyright) at a price by means of which the copyright holder receives remuneration equivalent to the economic value of the work belonging to him?
2. If question 1 is to be answered in the affirmative, is the distribution right with regard to the original or copies of a work as referred to in Article 4(2) of the Copyright Directive exhausted in the Union, when the first sale or other transfer of that material, which includes making available remotely by downloading, for use for an unlimited period, e-books (being digital copies of books protected by copyright) at a price by means of which the copyright holder receives remuneration equivalent to the economic value of the work belonging to him, takes place in the Union through the rightholder or with his consent?
3. Is Article 2 of the Copyright Directive to be construed as meaning that a transfer between successive acquirers of a lawfully acquired copy in respect of which the distribution right has been exhausted, constitutes consent to the acts of reproduction referred to therein, in so far as those acts of reproduction are necessary for the lawful use of that copy and, if so, which conditions apply?
4. Is Article 5 of the Copyright Directive to be construed as meaning that the copyright holder may no longer oppose the acts of reproduction necessary for a transfer between successive acquirers of the lawfully acquired copy in respect of which the distribution right has been exhausted and, if so, which conditions apply?

⁽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 2001 L 167, p. 10).

**Request for a preliminary ruling from the Grondwettelijk Hof (Belgium) lodged on 13 April 2018 —
P. M., N. G.d.M., P. V.d.S. v Ministerraad**

(Case C-264/18)

(2018/C 276/22)

Language of the case: Dutch

Referring court

Grondwettelijk Hof

Parties to the main proceedings

Applicants: P. M., N. G.d.M., P. V.d.S.

Defendant: Ministerraad

Question referred

Is Article 10(c) and (d)(i), (ii) and (v) of Directive 2014/24/EU⁽¹⁾ of the European Parliament and of the Council of 26 February 2014 'on public procurement and repealing Directive 2004/18/EC' compatible with the principle of equal treatment, whether or not read in conjunction with the principle of subsidiarity and with Articles 49 and 56 of the Treaty on the Functioning of the European Union, since the services mentioned therein are excluded from the application of the procurement rules in the aforementioned Directive which nevertheless guarantee full competition and free movement in the procurement of services by public authorities?

⁽¹⁾ OJ 2014 L 94, p. 65.

**Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Lithuania)
lodged on 17 April 2018 — Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų
ministerijos v Akvilė Jarmuškienė**

(Case C-265/18)

(2018/C 276/23)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Appellant: Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos

Respondent: Akvilė Jarmuškienė

Interested third party: Vilniaus apskrities valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos

Question referred

Must Articles 282 to 292 of Council Directive 2006/112/EC⁽¹⁾ of 28 November 2006 on the common system of value added tax be interpreted as meaning that in circumstances, such as those in the present case, where two goods are supplied by means of the same transaction but the annual turnover limit (the volume of activity) laid down in Article 287 of Directive 2006/112/EC (and in the corresponding provision of national legislation) is exceeded only on account of the supply of one of those goods, the taxable person (the supplier) is obliged, inter alia, to calculate and pay value added tax (1) on the entire value of the transaction (on the value of the supply of both goods) or (2) only on the part of the transaction whereby the aforesaid limit (volume of activity) is exceeded (on the value of the supply of one of the goods)?

⁽¹⁾ OJ 2006 L 347, p. 1.

**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 19 April 2018 —
Staatssecretaris van Veiligheid en Justitie, J, S; other parties: C, Staatssecretaris van Veiligheid en
Justitie**

(Case C-269/18)

(2018/C 276/24)

Language of the case: Dutch

Referring court

Raad van State