

Member State is required, as a rule, to detain a person for the purposes of removal in a specialised detention facility if such facilities exist only in a part of the federal structure of the State, but not in another part in which the detention is carried out in accordance with the provisions governing the federal structure of that Member State?

(<sup>1</sup>) OJ 2008 L 348, p. 98.

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 27 September 2013 — Dimensione Direct Sales srl, Michele Labianca v Knoll International SpA**

(Case C-516/13)

(2013/C 367/42)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Applicants:* Dimensione Direct Sales srl, Michele Labianca

*Defendant:* Knoll International SpA

**Questions referred**

1. Does the distribution right under Article 4(1) of Directive 2001/29/EC (<sup>1</sup>) include the right to offer the original or copies of the work to the public for sale?

If the first question is to be answered in the affirmative:

2. Does the right to offer the original or copies of the work to the public for sale include not only contractual offers, but also advertising measures?
3. Is the distribution right infringed even if no purchase of the original or copies of the work takes place on the basis of the offer?

(<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 L 167, p. 10).

**Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 26 September 2013 — The Queen on the application of Eventech Ltd v The Parking Adjudicator**

(Case C-518/13)

(2013/C 367/43)

*Language of the case: English*

**Referring court**

Court of Appeal (England & Wales) (Civil Division)

**Parties to the main proceedings**

*Applicant:* The Queen on the application of Eventech Ltd

*Defendant:* The Parking Adjudicator

*Interested parties:* London Borough of Camden, Transport for London

**Questions referred**

1. Does making a bus lane on a public road available to Black Cabs but not minicabs, during the hours of operation of that bus lane, involve the use of 'State resources' within the meaning of Article 107(1) TFEU, in the circumstances of the present case?
2. (a) In determining whether making a bus lane on a public road available to Black Cabs but not minicabs, during the hours of operation of that bus lane, is selective for the purposes of Article 107(1) TFEU, what is the relevant objective by reference to which the question whether Black Cabs and minicabs are in a comparable legal and factual situation should be assessed?  
  
(b) If it can be shown that the relevant objective, for the purposes of question 2(a), is at least in part to create a safe and efficient transport system, and that there are safety and/or efficiency considerations that justify allowing Black Cabs to drive in bus lanes and that do not apply in the same way to minicabs, can it be said that the measure is not selective within the meaning of Article 107 (1) TFEU?  
  
(c) In answering question 2(b), is it necessary to consider whether the Member State relying on that justification has demonstrated, in addition, that the favourable treatment of Black Cabs by comparison with minicabs is proportionate and does not go beyond what is necessary?

3. Is making a bus lane on a public road available to Black Cabs but not to minicabs, during the hours of operation of that bus lane, liable to affect trade between Member States for the purposes of Article 107(1) TFEU, in circumstances where the road in question is located in central London, and there is no bar to citizens from any Member State owning or driving either Black Cabs or minicabs?

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**Request for a preliminary ruling from the Juzgado Contencioso-Administrativo No 1 de Ferrol (Spain) lodged on 1 October 2013 — Ministerio de Defensa, Navantia S.A. v Concello de Ferrol**

(Case C-522/13)

(2013/C 367/44)

*Language of the case: Spanish*

**Referring court**

Juzgado Contencioso-Administrativo No 1 de Ferrol

**Parties to the main proceedings**

*Applicants:* Ministerio de Defensa, Navantia S.A.

*Defendant:* Concello de Ferrol

**Question referred**

Is the tax exemption enjoyed by NAVANTIA, S.L. in respect of the Impuesto de Bienes Inmuebles (Tax on Real Property) compatible with Article 107 of the Treaty on the Functioning of the European Union (TFEU), and is it compatible with Article 107 TFEU for a Member State (SPAIN) to establish a tax exemption in respect of State-owned land (property registered as 2825201QA5422N0001YG), made available to a private company whose capital is entirely publicly owned (NAVANTIA, S.L.), on which that company provides goods and services that may be traded between Member States?

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**Request for a preliminary ruling from the Amtsgericht Karlsruhe (Germany) lodged on 3 October 2013 — Eycke Braun v Land Baden-Württemberg**

(Case C-524/13)

(2013/C 367/45)

*Language of the case: German*

**Referring court**

Amtsgericht Karlsruhe

**Parties to the main proceedings**

*Applicant:* Eycke Braun

*Defendant:* Land Baden-Württemberg

**Question referred**

Is Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital,<sup>(1)</sup> as amended by Council Directive 85/303/EEC of 10 June 1985,<sup>(2)</sup> to be interpreted as meaning that the fees received by a notary employed as a civil servant for the drawing up of a notarially attested act recording a transaction concerning the conversion of a capital company into a different type of capital company constitute taxes for the purposes of that Directive, even if the conversion does not lead to an increase in the capital of the acquiring or transforming company?

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<sup>(1)</sup> OJ 1969 L 249, p. 25.

<sup>(2)</sup> Council Directive 85/303/EEC of 10 June 1985 amending Directive 69/335/EEC concerning indirect taxes on the raising of capital (OJ 1985 L 156, p. 23).

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**Request for a preliminary ruling from the Tribunal administratif de Strasbourg (France) lodged on 8 October 2013 — Geoffrey Léger v Ministre des affaires sociales et de la santé, Etablissement français du sang**

(Case C-528/13)

(2013/C 367/46)

*Language of the case: French*

**Referring court**

Tribunal administratif de Strasbourg

**Parties to the main proceedings**

*Applicant:* Geoffrey Léger

*Defendants:* Ministre des affaires sociales et de la santé, Etablissement français du sang

**Question referred**

In the light of Annex III to Directive 2004/33/EC,<sup>(1)</sup> does the fact that a man has sexual relations with another man constitute in itself sexual behaviour placing him at a high risk of acquiring severe infectious diseases that can be transmitted by blood and justifying a permanent deferral from blood donation for persons having engaged in that sexual behaviour, or is it merely capable