

Request for a preliminary ruling from the Curtea de Apel Braşov (Romania) lodged on 12 February 2014 — Mihai Manea v Instituţia Prefectului — judeţul Braşov — Serviciul public comunitar regim permise de conducere şi înmatriculare a vehiculelor

(Case C-76/14)

(2014/C 151/12)

Language of the case: Romanian

Referring court

Curtea de Apel Braşov

Parties to the main proceedings

Applicant: Mihai Manea

Defendant: Instituţia Prefectului — judeţul Braşov — Serviciul public comunitar regim permise de conducere şi înmatriculare a vehiculelor

Questions referred

1. Having regard to the provisions of Law No 9/2012 and to the purpose of the tax provided for under that law, must Article 110 TFEU be interpreted as precluding a Member State of the European Union from establishing a tax on pollutant emissions applicable to all foreign motor vehicles upon their registration in that Member State, but to national motor-vehicles upon the transfer of ownership of such vehicles, except where such a tax or a similar tax has already been paid?
2. Having regard to the provisions of Law No 9/2012 and to the purpose of the tax provided for under that law, must Article 110 TFEU be interpreted as precluding a Member State of the European Union from establishing a tax on pollutant emissions which is applicable, in the case of all foreign motor vehicles, upon their registration in that Member State, but which, in the case of national motor vehicles, is due only upon the transfer of ownership of such vehicles, the result being that a foreign vehicle cannot be used unless the tax is paid, but a national vehicle can be used for an unlimited time without the tax being paid, until the ownership of that vehicle is transferred, if such a transfer takes place?

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 14 February 2014 — Union of Shop, Distributive and Allied Workers (USDAW), Mrs B. Wilson v WW Realisation 1 Ltd (in liquidation), Ethel Austin Ltd, Secretary of State for Business, Innovation and Skills

(Case C-80/14)

(2014/C 151/13)

Language of the case: English

Referring court

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

Parties to the main proceedings

Applicants: Union of Shop, Distributive and Allied Workers (USDAW), Mrs B. Wilson

Defendants: WW Realisation 1 Ltd (in liquidation), Ethel Austin Ltd, Secretary of State for Business, Innovation and Skills

Questions referred

- (1) (a) In Article 1(l)(a)(ii) of Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies ⁽¹⁾ ('the Directive'), does the phrase 'at least 20' refer to the number of dismissals across all of the employer's establishments in which dismissals are effected within a 90 day period, or does it refer to the number of dismissals in each individual establishment?

- (b) If Article 1(l)(a)(ii) refers to the number of dismissals in each individual establishment, what is the meaning of 'establishment'? In particular, should 'establishment' be construed to mean the whole of the relevant retail business, being a single economic business unit, or such part of that business as is contemplating making redundancies, rather than a unit to which a worker is assigned their duties, such as each individual store.
- (2) In circumstances where an employee claims a protective award against a private employer, can the Member State rely on or plead the fact that the Directive does not give rise to directly effective rights against the employer in circumstances where:
- (i) The private employer would, but for the failure by the Member State properly to implement the Directive, have been liable to pay a protective award to the employee, because of the failure of that employer to consult in accordance with the Directive; and
- (ii) That employer being insolvent, in the event that a protective award is made against the private employer and is not satisfied by that employer, and an application is made to the Member State, that Member State would itself be liable to pay any such protective award to the employee under domestic legislation that implements Directive 2008/94/EC of 22 October 2008 on the protection of employees in the event of the insolvency of their employer⁽²⁾, subject to any limitation of liability imposed on the Member State's guarantee institution pursuant to Article 4 of that Directive?

⁽¹⁾ OJ L 225, p. 16

⁽²⁾ OJ L 283, p. 36

**Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven (Netherlands)
lodged on 18 February 2014 — KPN BV v Autoriteit Consument en Markt (ACM), other parties: UPC
Nederland BV and Others**

(Case C-85/14)

(2014/C 151/14)

Language of the case: Dutch

Referring court

College van Beroep voor het Bedrijfsleven

Parties to the main proceedings

Appellant: KPN BV

Respondent: Autoriteit Consument en Markt (ACM)

Other parties: UPC Nederland BV, UPC Nederland Business BV, Tele2 Nederland BV, BT Nederland NV

Questions referred

1. Does Article 28 of the Universal Service Directive⁽¹⁾ permit the imposition of tariff regulation, without a market analysis having indicated that an operator has significant market power in regard to the regulated service, although the cross-border selectability of non-geographic telephone numbers is entirely possible from a technical point of view and the only obstacle to access to those numbers lies in the fact that the tariffs charged mean that a call to a nongeographic number is more expensive than a call to a geographic number?
2. If Question 1 is answered in the affirmative, the following two questions arise for the College van Beroep:
 - (a) Does the power to regulate tariffs also apply in the case where the effect of higher tariffs on the call volume to non-geographic numbers is merely limited?