

4. Should Directive 2000/31/EC ⁽²⁾ of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market be interpreted as precluding a national law — such as Article 1 of the Belgian Law of 15 April 1958 on advertising in dental care matters — which prohibits, in absolute terms, any advertising, by anyone, relating to oral or dental care, including a prohibition on commercial advertising by electronic means (website)?
5. How should the term ‘information society services’, as defined in Article 2(a) of Directive 2000/31/EC by reference to Article 1(2) of Directive 98/34/EC, ⁽³⁾ as amended by Directive 98/48/EC, ⁽⁴⁾ be interpreted?
6. Should Articles 49 TFEU and 56 TFEU be interpreted as precluding national legislation such as that at issue in the main proceedings, whereby, in order to protect public health, a complete ban is imposed on advertising in respect of dental care?

⁽¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) (OJ 2005 L 149, p. 22).

⁽²⁾ Directive on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (‘Directive on electronic commerce’) (OJ 2000 L 178, p. 1).

⁽³⁾ Directive of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 204, p. 37).

⁽⁴⁾ Directive of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 217, p. 18).

Request for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 8 July 2015 — J. Klinkenberg v Minister van Infrastructuur en Milieu

(Case C-343/15)

(2015/C 311/36)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Appellant: J. Klinkenberg

Respondent: Minister van Infrastructuur en Milieu

Questions referred

1. Must Article 1 of Directive 1999/63/EC ⁽¹⁾ and Clause 1(1) of the Annex to that directive, entitled ‘European Agreement on the organisation of working time of seafarers’, be interpreted as meaning that that directive and that agreement are applicable to a public official who works for the Netherlands National Maritime Company and who is a member of the crew of a ship engaged in carrying out fisheries inspections?
2. If Question 1 is answered in the negative, must Article 2 of Directive 89/391/EEC ⁽²⁾, Article 1(3) and Article 2(1) and (2) of Directive 93/104/EC ⁽³⁾, and Article 1(3) and Article 2(1) and (2) of Directive 2003/88/EC ⁽⁴⁾ be interpreted as meaning that Directive 93/104/EC and Directive 2003/88/EC are applicable to the public official referred to in Question 1?

3. Must Articles 3, 5 and 6 of Directive 93/104/EC and Articles 3, 5 and 6 of Directive 2003/88/EC be interpreted as precluding a regulation of a Member State on the basis of which the hours during which the public official referred to in Question 1 does not perform any work during the voyage but during which he is obliged to be available on call in order to remedy problems in the engine room are regarded as constituting rest periods?
4. Must Articles 3, 5 and 6 of Directive 93/104/EC and Articles 3, 5 and 6 of Directive 2003/88/EC be interpreted as precluding a regulation of a Member State on the basis of which the hours during which the public official referred to in Question 1 does not perform any work during the voyage but during which he is obliged, on the instructions of the master of the ship, to perform work if that is necessary for the immediate safety of the ship, of the persons on board, of the cargo or of the environment, or for the purpose of giving assistance to other ships or persons in distress, are regarded as constituting rest periods?

⁽¹⁾ Council Directive of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) — Annex: European Agreement on the organisation of working time of seafarers (OJ 1999 L 167, p. 33).

⁽²⁾ Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ 1989 L 183, p. 1).

⁽³⁾ Council Directive of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18).

⁽⁴⁾ Directive of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

**Reference for a preliminary ruling from Appeal Commissioners (Ireland) made on 6 July 2015 —
National Roads Authority v The Revenue Commissioners**

(Case C-344/15)

(2015/C 311/37)

Language of the case: English

Referring court

Appeal Commissioners

Parties to the main proceedings

Applicant: National Roads Authority

Defendant: The Revenue Commissioners

Questions referred

1. If a body governed by public law carries on an activity such as providing access to a road on payment of a toll and if in the Member State there are private bodies who collect tolls on different toll roads pursuant to an agreement with the public body concerned under national statutory provisions, is the second indent of Article 13 of Council Directive 2006/112/EC ⁽¹⁾ to be interpreted as meaning that the public body concerned must be deemed to be in competition with the private operators concerned such that to treat the public body as a non-taxable person is deemed to lead to a significant distortion of competition notwithstanding the facts that (a) there is not and cannot be any actual competition between the public body and the private operators concerned and (b) there is no evidence that there is any realistic possibility that any private operator could enter the market to build and operate a toll road which would compete with the toll road operated by the public body?