

Request for a preliminary ruling from the Trybunał Konstytucyjny (Poland) lodged on 20 July 2015 — Rzecznik Praw Obywatelskich (RPO)

(Case C-390/15)

(2015/C 346/06)

Language of the case: Polish

Referring court

Trybunał Konstytucyjny

Applicant in the main proceedings

Rzecznik Praw Obywatelskich (RPO)

Other parties to the proceedings: Marszałek Sejmu Rzeczypospolitej Polskiej, Prokurator Generalny

Questions referred

1. Is point 6 of Annex III to Council Directive 2006/112/EC of 28 November 2006 on the common system on value added tax⁽¹⁾, in the version amended by Council Directive 2009/47/EC of 5 May 2009 amending Directive 2006/112/EC as regards reduced rates of value added tax⁽²⁾, invalid on the ground that, during the legislative procedure, the essential formal requirement of consultation with the European Parliament was not complied with?
2. Is Article 98(2) of Directive 2006/112/EC, referred to in Question 1, in conjunction with point 6 of Annex III to that directive, invalid on the ground that it infringes the principle of fiscal neutrality to the extent to which it excludes the application of reduced tax rates to books published in digital format and other electronic publications?

⁽¹⁾ OJ 2006 L 347, p. 1.

⁽²⁾ OJ 2009 L 116, p. 18.

Request for a preliminary ruling from the Tribunal Superior de Justicia de Andalucía (Spain) lodged on 20 July 2015 — Marina del Mediterráneo, S.L. and Others v Consejería de Obras Públicas y Vivienda de la Junta de Andalucía

(Case C-391/15)

(2015/C 346/07)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Andalucía

Parties to the main proceedings

Applicants: Marina del Mediterráneo, S.L., Marina del Mediterráneo Duquesa, S.L., Marina del Mediterráneo Estepona, S.L., Marina del Mediterráneo Este, S.L., Marinas del Mediterráneo Torre, S.L., Marina del Mediterráneo Marbella, S.L., Gómez Palma, S.C., Enrique Alemán, S.A., Cyes Infraestructuras, S.A., Cysur Obras y Medioambiente, S.A.

Defendant: Consejería de Obras Públicas y Vivienda de la Junta de Andalucía

Other parties to the proceedings: Agencia Pública de Puertos de Andalucía, U.T.E. Nassir Bin Abdullah and Sons, S.L., Puerto Deportivo de Marbella, S.A., y Ayuntamiento de Marbella

Questions referred

1. In the light of the principles of sincere cooperation and the effectiveness of directives, are Articles 1(1) and 2(1)(a) of Directive 89/665⁽¹⁾ to be interpreted as precluding national legislation such as Section 310(2) of Ley 30/2007, de 30 de octubre, de Contratos del Sector Público (now Section 40(2) RDLeg 3/2011, que aprueba el texto refundido de la Ley de Contratos del Sector Público), in so far as it prevents access to the special application in procurement proceedings in respect of the procedural acts of the procurement board, such as the decision to admit a tender from a tenderer which, it is alleged, fails to comply with the provisions concerning proof of technical and economic solvency laid down in the national and EU legislation?
2. If the reply to the first question is in the affirmative, do Articles 1 (1) and 2 (1) (a) and (b) of Directive 89/665 have direct effect?

⁽¹⁾ Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ 1989 L 395, p. 33).

Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on 29 July 2015 — Selena România SRL v Direcția Generală Regională a Finanțelor Publice (DGRFP) București

(Case C-416/15)

(2015/C 346/08)

Language of the case: Romanian

Referring court

Curtea de Apel București

Parties to the main proceedings

Applicant: Selena România SRL

Defendant: Direcția Generală Regională a Finanțelor Publice (DGRFP) București

Intervener: Direcția Generală Regională a Finanțelor Publice (DGRFP) Galați

Questions referred

- 1) **Is Council Implementing Regulation (EU) No 21/2013⁽¹⁾ [extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from Taiwan and Thailand, whether declared as originating in Taiwan and Thailand or not] to be interpreted as meaning that it also applies to imports made by residents of the European Union from Taiwan before 17 January 2013, in other words in 2012 but after the adoption of Council Implementing Regulation (EU) No 791/2011⁽²⁾ [imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China]?**