

b) in the case of legal persons who participate in an unlawful introduction, the subjective element that they 'were aware or should reasonably have been aware' is to be determined by reference to the natural person in the legal person's undertaking to whom the matter is entrusted, even if he is not the statutory representative of the legal person?

3. If the answer to the first or the second question is in the affirmative:

Is Article 212a of the CC to be interpreted as meaning that whether the conduct of a participant involves fraudulent dealing or obvious negligence is to be determined, in the case of a legal person, solely by reference to the conduct of the legal person or its organs, or is the conduct of a natural person employed by it and entrusted with the task within the scope of his responsibility to be attributed to it?

(¹) OJ 1992 L 302, p. 1.

**Request for a preliminary ruling from the Općinski sud u Velikoj Gorici (Croatia) lodged on
18 December 2015 — Vodoopskrba i odvodnja d.o.o. v Željka Klafurić**

(Case C-686/15)

(2016/C 111/07)

Language of the case: Croatian

Referring court

Općinski sud u Velikoj Gorici

Parties to the main proceedings

Applicant: Vodoopskrba i odvodnja d.o.o.

Defendant: Željka Klafurić

Question referred

How is water supplied, which is invoiced by apartment in a residential building or by individual house, calculated under EU law? Do EU citizens pay the invoices concerning their water consumption by paying only for the consumption actually shown on the meter or do they pay other fees or charges in addition?

**Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije (Slovenia) lodged on
31 December 2015 — LEK Farmaceutvska Družba d.d. v Republic of Slovenia**

(Case C-700/15)

(2016/C 111/08)

Language of the case: Slovenian

Referring court

Vrhovno sodišče Republike Slovenije

Parties to the main proceedings

Appellant: LEK Farmaceutvska Družba d.d.

Respondent: Republic of Slovenia

Questions referred

1. May the provisions of Chapter 30 of the CN be interpreted as meaning that a product, whose main component is an active ingredient (probiotic bacteria) contained in food supplements classified under tariff heading 2106 90 98 CN, is not to be classified in that chapter?
2. For a product to be classified in Chapter 30 of the CN, is it sufficient that the manufacturer presents that product, which contains an active ingredient having beneficial effects on health in general which is often found in food supplements, as a medicinal product, and markets and sells it as such?
3. In the light of the evolution of EU law regulating the market for medicinal products, must the concept of 'clearly defined therapeutic or prophylactic characteristics' which, according to the settled case-law of the Court of Justice of the European Union, is a condition for classification in Chapter 30, be interpreted as corresponding to the definition of medicinal product within the meaning of the provisions of EU law relating to medicinal products for human use?

Request for a preliminary ruling from the Sąd Apelacyjny w Warszawie (Poland) lodged on 4 January 2016 — J.D. v Prezes Urzędu Regulacji Energetyki**(Case C-4/16)**

(2016/C 111/09)

*Language of the case: Polish***Referring court**

Sąd Apelacyjny w Warszawie

Parties to the main proceedings*Appellant:* J.D.*Respondent:* Prezes Urzędu Regulacji Energetyki**Question referred**

Is the term 'hydropower' as a renewable energy source, set out in Article 2(a) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, ⁽¹⁾ in conjunction with Article 5(3) thereof and recital 30 in the preamble thereto, to be interpreted as relating only to energy produced by a hydroelectric power station using the downward flow of inland surface waters, including rivers, or as relating also to energy produced in a hydroelectric power station (which is not a pure pumped-storage or mixed-power station) sited at the point of discharge of industrial waste water from another plant?

⁽¹⁾ OJ 2009 L 140, p. 16.

Request for a preliminary ruling from the Commissione tributaria provinciale di Genova (Italy) lodged on 7 January 2016 — Ignazio Messina & C. SpA v Ministero delle Infrastrutture e dei Trasporti**(Case C-10/16)**

(2016/C 111/10)

*Language of the case: Italian***Referring court**

Commissione tributaria provinciale di Genova