

**Parties to the main proceedings**

*Applicant:* Slovak Republic

*Defendant:* Achmea BV

**Questions referred**

1. Does Article 344 TFEU preclude the application of a provision in a bilateral investment protection agreement between Member States of the European Union (a so-called BIT internal to the European Union) under which an investor of a contracting State, in the event of a dispute concerning investments in the other contracting State, may bring proceedings against the latter State before an arbitration tribunal, where the investment protection agreement was concluded before one of the contracting States acceded to the European Union but the arbitration proceedings are not to be brought until after that date?

If Question 1 is to be answered in the negative:

2. Does Article 267 TFEU preclude the application of such a provision?

If Questions 1 and 2 are to be answered in the negative:

3. Does the first paragraph of Article 18 TFEU preclude the application of such a provision under the circumstances described in Question 1?

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**Request for a preliminary ruling from the Curtea de Apel Cluj (Romania) lodged on 23 May 2016 —  
SC Exmitiani SRL v Direcția Generală a Finanțelor Publice Cluj**

(Case C-286/16)

(2016/C 296/26)

*Language of the case: Romanian*

**Referring court**

Curtea de Apel Cluj

**Parties to the main proceedings**

*Applicant:* SC Exmitiani SRL

*Defendant:* Direcția Generală a Finanțelor Publice Cluj

**Questions referred**

1. In a situation such as that in the main proceedings, in which the disputed administrative measure was adopted before the accession [of the Republic of Romania to the European Union] and the appeal against that measure was decided on by provision of the tax authorities after the accession, does the principle of cooperation in good faith imply that national legislation is to be interpreted in the light of the EU directives applicable to VAT? <sup>(1)</sup>
2. Having regard to the circumstances of the main proceedings, is the principle of legal certainty to be interpreted as precluding the practice of tax authorities whereby, on the basis of the same factual circumstances, those authorities reach different conclusions from those reached by the prosecution authorities as regards the exemption from VAT of the provision of services directly connected with international passenger transport?

3. Is the principle of cooperation in good faith to be interpreted as precluding domestic legislation which provides that, where pleas based on provisions of EU law are not raised in an appeal against an administrative measure, such pleas may not be raised subsequently before the courts?

<sup>(1)</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

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**Request for a preliminary ruling from the Sąd Rejonowy dla Łodzi — Śródmieścia w Łodzi (Poland)  
lodged on 25 May 2016 — Criminal proceedings against J.Z.**

(Case C-294/16)

(2016/C 296/27)

*Language of the case: Polish*

**Referring court**

Sąd Rejonowy dla Łodzi — Śródmieścia

**Party/parties to the main proceedings**

J.Z.

**Question referred**

Must Article 26(1) of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States <sup>(1)</sup> (2002/584/JHA), in conjunction with Article 6(1) and (3) of the Treaty on European Union and Article 49(3) of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that the term ‘detention’ also covers measures applied by the executing State, in connection with a curfew, consisting in the electronic monitoring of the place of residence of the person to whom the arrest warrant applies?

<sup>(1)</sup> OJ 2002, L 190, p. 1.

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**Request for a preliminary ruling from the Kúria (Supreme Court, Hungary) lodged on 2 June 2016 —  
József Lingurár v Miniszterelnökséget vezető miniszter**

(Case C-315/16)

(2016/C 296/28)

*Language of the case: Hungarian*

**Referring court**

Kúria

**Parties to the main proceedings**

*Applicant:* József Lingurár

*Defendant:* Miniszterelnökséget vezető miniszter

**Questions referred**

1. Is Article 42(1) of Council Regulation (EC) No 1698/2005 <sup>(1)</sup> (‘Regulation No 1698/2005’) — also taking into account Article 46 — to be interpreted as not wholly precluding individuals from aid for the sustainable use of forest land where the land is also partly State owned?