

Finally, the appellant alleges infringement of the principle of equal treatment:

The non-admission of the health-related information applied for also manifestly infringes the principle of equal treatment. The defendant treats the admissions in comparable cases differently although there are no objective reasons for unequal treatment.

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<sup>(1)</sup> OJ 2015 L 3, p. 6.

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**Request for a preliminary ruling from the Conseil d'État (France) lodged on 30 May 2016 — Solar Electric Martinique v Ministre des finances et des comptes publics**

**(Case C-303/16)**

(2016/C 287/19)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Appellant:* Solar Electric Martinique

*Respondent:* Ministre des finances et des comptes publics

**Question referred**

Does the sale and installation of photovoltaic panels and solar water heaters on buildings, or with a view to supplying electricity or hot water to buildings, constitute a single transaction that may be characterised as works of construction for the purposes of Article 5(5) and Article 6(1) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes, <sup>(1)</sup> now Article 14(3) and Article 24(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax? <sup>(2)</sup>

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<sup>(1)</sup> Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1).

<sup>(2)</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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**Action brought on 1 June 2016 — European Commission v Czech Republic**

**(Case C-314/16)**

(2016/C 287/20)

*Language of the case: Czech*

**Parties**

*Applicant:* European Commission (represented by: Z. Malůšková and J. Hottiaux)

*Defendant:* Czech Republic

**Form of order sought**

The applicant claims that the Court should:

1. declare that:

- (a) by failing to ensure that the definition of groups C1 and C relates only to vehicles other than vehicles in groups D 1 and D, the Czech Republic has failed to fulfil its obligations under Article 4(1) and 4(4)(d) and (f) of Directive 2006/126/EC;
- (b) by restricting the definition of group D1 to vehicles designed and constructed for more than eight passengers, the Czech Republic has failed to fulfil its obligations under Article 4(1) and 4(4)(h) of Directive 2006/126/EC;<sup>(1)</sup>

2. order Czech Republic to pay the costs.

**Pleas in law and main arguments**

Article 4(1) of Directive 2006/126/EC provides that driving licences are to authorise the driving of power-driven vehicles in the categories defined in that article. Under Article 4(4)(d) and (f) of the Directive, the groups C1 and C are further defined. The condition that the group must include vehicles 'other than those in categories D1 or D' is expressly provided for in respect of both groups. The Czech legislation defining vehicle groups however does not include the condition that groups C1 and C must be restricted to '*motor vehicles other than those in categories D1 or D*'.

Article 4(4)(h) of Directive 2006/126/EC defines group D1 as a group including vehicles '*designed and constructed for the carriage of no more than 16 passengers in addition to the driver*', without providing for a minimum number of passengers. The Czech legislation however includes the additional requirement that vehicles intended for the carriage of more than 8 passengers are to be classified in group D1.

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<sup>(1)</sup> OJ L 403, p. 18.