

**Request for a preliminary ruling from the Varhoven kasatsionen sad (Bulgaria) lodged on 22 May 2017 — Wiemer & Trachte GmbH (in insolvency) v Zhan Oved Tadzher**

(Case C-296/17)

(2017/C 256/11)

*Language of the case: Bulgarian*

**Referring court**

Varhoven kasatsionen sad

**Parties to the main proceedings**

*Appellant:* Wiemer & Trachte GmbH (in insolvency)

*Respondent:* Zhan Oved Tadzher

**Questions referred**

1. Is Article 3(1) of Council Regulation (EC) No 1346/2000<sup>(1)</sup> of 29 May 2000 on insolvency proceedings to be interpreted as meaning that the jurisdiction of the courts of the Member State within the territory of which insolvency proceedings have been opened to hear and determine an action to set a transaction aside by virtue of the debtor's insolvency which has been brought against a defendant whose registered office or habitual residence is in another Member State is exclusive, or, in the case of Article 18(2) of that regulation, is the liquidator empowered to bring an action to set aside before a court in the Member State within the territory of which the defendant has his registered office or habitual residence, where the action to set aside brought by the liquidator is based on a disposal of moveable assets carried out in the other Member State?
2. Is an obligation which was honoured for the benefit of the debtor in one Member State, via the managing director of an establishment of the debtor company registered in that Member State, deemed to have been discharged, in accordance with Article 24(2) in conjunction with Article 24(1) of Regulation No 1346/2000, where, at the time when that obligation was honoured, a request for the opening of insolvency proceedings in respect of the debtor's assets had been made and a provisional liquidator had been appointed in another Member State, but no judgment opening insolvency proceedings had been delivered?
3. Does Article 24(1) of Regulation No 1346/2000, on the honouring of an obligation, apply to the payment of a sum of money to the debtor, where the original transfer of that sum from the debtor to the person honouring the obligation is regarded as being invalid under the national law of the insolvency court and that invalidity follows from the opening of the insolvency proceedings?
4. Does the presumption of a lack of awareness provided for in Article 24(2) of Regulation No 1346/2000 apply where the authorities referred to in the second sentence of Article 21(2) have not taken all necessary measures to ensure that the decisions by which the insolvency court appointed a provisional liquidator and ordered that disposals of assets effected by the company are to be valid only with the consent of the provisional liquidator are published in the register of the Member State within the territory of which the debtor has an establishment, where the Member State in which the establishment has its registered office provides for the mandatory publication of those decisions, even though it recognises them in accordance with Article 25 in conjunction with Article 16 of that regulation?

<sup>(1)</sup> OJ 2000 L 160, p. 1.

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**Request for a preliminary ruling from the Conseil d'État (France) lodged on 23 May 2017 — France Télévisions SA v Playmédia, Conseil supérieur de l'audiovisuel (CSA)**

(Case C-298/17)

(2017/C 256/12)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* France Télévisions SA

*Defendants:* Playmédia, Conseil supérieur de l'audiovisuel (CSA)

**Questions referred**

1. Must an undertaking that offers live streaming of television programmes online be regarded, on the basis of that fact alone, as an undertaking providing an electronic communications network used for the distribution of radio or television broadcasts to the public within the meaning of Article 31(1) of Directive 2002/22/EC <sup>(1)</sup> of 7 March 2002?
2. If the answer to the first question is in the negative, can a Member State, without infringing the Directive or other provisions of EU law, impose an obligation for the distribution of radio and television services on both undertakings providing electronic communications networks and on undertakings which, without providing such networks, offer live streaming of television programmes online?
3. If the answer to the second question is in the affirmative, it is open to the Member States not to make the 'must carry' obligation, on the part of service distributors not providing electronic communications networks, subject to all the conditions laid down in Article 31(1) of Directive 2002/22/EC of 7 March 2002, even though the fulfilment of those conditions is required on the part of network operators under the Directive?
4. Can a Member State imposing a 'must carry' obligation for the transmission of certain radio or television services on certain networks impose, without infringing the directive, an acceptance requirement for the distribution of those services on those networks, including distribution online, where the service in question already distributes its own programmes online?
5. With regard to distribution online, must the condition requiring a significant number of end-users of networks subject to the 'must carry' obligation to use them as their principal means of receiving radio and television broadcasts, set out in Article 31(1) of Directive 2002/22 EC, be assessed in relation to all users viewing television programmes streamed live online, or only in relation to users of the site subject to the 'must carry' obligation?

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<sup>(1)</sup> Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ 2002 L 108, p. 51).

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**Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 29 May 2017 — Geocycle Bulgaria EOOD v Direktor na direksia 'Obzhalvane i danachno-osiguritelna praktika' — Veliko Tarnovo, pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite**

**(Case C-314/17)**

(2017/C 256/13)

*Language of the case: Bulgarian*

**Referring court**

Varhoven administrativen sad

**Parties to the main proceedings**

*Appellant:* Geocycle Bulgaria EOOD

*Respondent:* Direktor na direksia 'Obzhalvane i danachno-osiguritelna praktika' — Veliko Tarnovo, pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite