

- the transactions of the ACE (by way of subcontracting) consist of the transactions of the branch and of the other company forming part of the ACE, these latter having invoiced to the ACE the entire revenue that the ACE invoiced to the developer?

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

⁽²⁾ Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax
OJ 2011 L 77, p. 1.

**Request for a preliminary ruling from the Lietuvos apeliacinis teismas (Lithuania) lodged on
19 January 2017 — AB ‘flyLAL-Lithuanian Airlines’, in liquidation, v Starptautiskā lidosta ‘Rīga’ VAS,
‘Air Baltic Corporation A/S’**

(Case C-27/17)

(2017/C 104/50)

Language of the case: Lithuanian

Referring court

Lietuvos apeliacinis teismas

Parties to the main proceedings

Applicant: AB ‘flyLAL-Lithuanian Airlines’, in liquidation

Defendants: Starptautiskā lidosta ‘Rīga’ VAS, ‘Air Baltic Corporation A/S’

Questions referred

1. In the circumstances of the present case, is the notion ‘place where the harmful event occurred’ in Article 5(3) of the Brussels I Regulation ⁽¹⁾ to be understood as meaning the place of conclusion of the defendants’ unlawful agreement infringing Article 82(c) of the Treaty establishing the European Community (Article 102(c) TFEU), or the place of commission of acts by which the financial benefit obtained from that agreement was exploited, by means of predatory pricing (cross-subsidisation) when competing with the applicant in the same relevant markets?
2. In the present case, can the damage (loss of income) suffered by the applicant on account of the specified unlawful acts of the defendants be regarded as damage for the purpose of Article 5(3) of the Brussels I Regulation?
3. Are the operations of the branch of Air Baltic Corporation in the Republic of Lithuania, in the circumstances of the present case, to be regarded as operations of a branch within the meaning of Article 5(5) of the Brussels I Regulation?

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

**Reference for a preliminary ruling from the High Court (Ireland) made on 24 January 2017 —
Eamonn Donnellan v The Revenue Commissioners**

(Case C-34/17)

(2017/C 104/51)

Language of the case: English

Referring court

High Court (Ireland)