

**Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on
25 April 2018 — X BV v Staatssecretaris van Financiën**

(Case C-288/18)

(2018/C 276/26)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: X BV

Defendant: Staatssecretaris van Financiën

Question referred

Must subheadings 8528 51 00 and 8528 59 40 of the Combined Nomenclature (text from 1 January 2007 to 25 October 2013) be interpreted as meaning that flat panel displays, with a screen of the liquid crystal display (LCD) technology, designed and manufactured for displaying data from an automatic data-processing machine and from other composite video signals from other sources, regardless of the other objective characteristics and properties of the specific monitor, must be classified under subheading 8528 59 40 of the CN if, because of their size, weight and functionality, they are not suitable to be viewed close up? Does it matter in that regard whether the user (the reader) of the screen and the person who processes and/or enters data in the automatic data-processing machine are one and the same?

**Request for a preliminary ruling from the Arbeitsgericht Cottbus — Kammern Senftenberg
(Germany) lodged on 2 May 2018 — Reiner Grafe and Jürgen Pohle v Südbrandenburger
Nahverkehrs GmbH, OSL Bus GmbH**

(Case C-298/18)

(2018/C 276/27)

Language of the case: German

Referring court

Arbeitsgericht Cottbus — Kammern Senftenberg

Parties to the main proceedings

Applicants: Reiner Grafe, Jürgen Pohle

Defendants: Südbrandenburger Nahverkehrs GmbH, OSL Bus GmbH

Questions referred

1. Is a transfer of the operation of bus routes from one bus undertaking to another as a consequence of a tendering procedure under Directive 92/50/EEC on public service contracts ⁽¹⁾ to be regarded as a transfer of a business within the meaning of Article 1(1) of Directive 77/187/EEC, ⁽²⁾ even if no significant assets, in particular no buses, have been transferred between the two undertakings?

2. Does the assumption that, on the basis of a reasonable commercial decision, buses are no longer of major importance for the value of the business in the case of a temporary award of services owing to their age and more stringent technical requirements (emission values, low-floor vehicles) provide justification for the Court of Justice of the European Union to derogate from its decision of 25 January 2001 (C-172/99) to the effect that, under such circumstances, the taking over of a significant proportion of the staff can also result in Directive 77/187/EEC being applicable?

⁽¹⁾ Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ 1992 L 209, p. 1).

⁽²⁾ Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (OJ 1977 L 61, p. 26).

Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen (Belgium) lodged on 4 May 2018 — X v Belgische Staat

(Case C-302/18)

(2018/C 276/28)

Language of the case: Dutch

Referring court

Raad voor Vreemdelingenbetwistingen

Parties to the main proceedings

Applicant: X

Defendant: Belgische Staat

Questions referred

1. Should Article 5(1)(a) of Directive 2003/109/EC,⁽¹⁾ which provides (inter alia) that, in order to acquire long-term resident status, third-country nationals must prove that they 'have', for themselves and for dependent family members, stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned, be interpreted as meaning that it is only the third-country national's 'own resources' that are concerned?
2. If not, is it sufficient for those resources to be at the disposal of a third-country national, without any requirement regarding the origin of those resources being imposed, so that those resources can be made available to the third-country national also by a family member or by another third-country national?
3. If the last question is answered in the affirmative, is it sufficient that a commitment of cost bearing is entered into by a third-country national whereby that third-country national undertakes to ensure that the applicant for long-term resident status 'has, for himself/herself and for his/her dependent family members, stable, regular and sufficient resources to maintain himself/herself and the members of his/her family to avoid becoming a burden for the State' in order to prove that the applicant has resources within the meaning of Article 5(1)(a) of Directive 2003/109/EC?

⁽¹⁾ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).