

If the first sentence of the second subparagraph of Article 3(1) of Regulation (EC, Euratom) No 2988/95 is applicable (first question), the other questions do not need to be answered; if it is not applicable, the third question becomes devoid of object if the second question is answered in the affirmative.

- ⁽¹⁾ Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 (OJ 2001 L 327, p. 11).
- ⁽²⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ 1995 L 312, p. 1).

Request for a preliminary ruling from the Juge d'instruction du tribunal de grande instance de Paris (France) lodged on 13 June 2018 — Criminal proceedings against YA and AIRBNB Ireland UC — other parties: Hotelière Turenne SAS, Pour un hébergement et tourisme professionnel (AHTOP), Valhotel

(Case C-390/18)

(2018/C 301/20)

Language of the case: French

Referring court

Juge d'instruction du tribunal de grande instance de Paris

Parties to the main proceedings

YA and AIRBNB Ireland UC

Other parties: Hotelière Turenne SAS, Pour un hébergement et tourisme professionnel (AHTOP), Valhotel

Questions referred

1. Do the services provided in France by the company *Airbnb Ireland UC* via an electronic platform managed from Ireland benefit from the freedom to provide services contemplated in Article 3 of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000? ⁽¹⁾
2. Are the restrictive rules relating to the exercise of the profession of real estate agent in France, laid down by Law No 70-9 of 2 January 1970 on intermediaries in real-estate transactions ('the Hoguet Law'), enforceable against the company *Airbnb Ireland UC*?

⁽¹⁾ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ 2000 L 178, p. 1).

Request for a preliminary ruling from the Corte di appello di Napoli (Italy) lodged on 14 June 2018 — I.G.I. Srl v Maria Grazia Cicenia and Others

(Case C-394/18)

(2018/C 301/21)

Language of the case: Italian

Referring court

Corte di appello di Napoli

Parties to the main proceedings

Appellant: I.G.I. Srl

Respondents: Maria Grazia Cicenia, Mario Di Pierro, Salvatore de Vito, Antonio Raffaele

Questions referred

1. Can the creditors of the company being divided, whose credit interests antedate the division, who have not taken advantage of the remedy of lodging an objection under Article 2503 of the Civil Code (and therefore of the protection tool introduced in implementation of Article 12 of [Directive 82/891/EEC]),⁽¹⁾ use an action to set aside under Article 2901 of the Civil Code after the division has been implemented, in order to obtain a declaration that the division in question has no effect against them and, therefore, to take precedence in enforcement over the creditors of the recipient company or companies and to be placed in a preferential position before the shareholders of those companies?
2. Does the notion of nullity, provided for by Article 19 of the directive, refer only to actions affecting the validity of the instrument of division or also to actions which, despite not affecting its validity, result in its relative lack of effect or unenforceability?

⁽¹⁾ Sixth Council Directive 82/891/EEC of 17 December 1982 based on Article 54(3)(g) of the Treaty, concerning the division of public limited liability companies (OJ 1982 L 378, p. 47).

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy)
lodged on 14 June 2018 — Tim SpA — Direzione e coordinamento Vivendi SA v Consip SpA,
Ministero dell'Economia e delle Finanze**

(Case C-395/18)

(2018/C 301/22)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: Tim SpA — Direzione e coordinamento Vivendi SA

Defendants: Consip SpA, Ministero dell'Economia e delle Finanze

Questions referred

1. Do Articles 57 and 71(6) of Directive 2014/24/EU⁽¹⁾ preclude national legislation, such as Article 80(5) of Legislative Decree No 50 of 2016, which requires the exclusion of a tendering economic operator where, during the tendering procedure, a ground is established for excluding a subcontractor forming part of the group of three subcontractors specified in the tender, rather than requiring the tenderer to replace the designated subcontractor?