

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 31 March 2017 —
Land Nordrhein-Westfalen v Dirk Renckhoff**

(Case C-161/17)

(2017/C 231/06)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Land Nordrhein-Westfalen

Defendant: Dirk Renckhoff

Question referred

Does the inclusion of a work — which is freely accessible to all internet users on a third-party website with the consent of the copyright holder — on a person's own publicly accessible website constitute a making available of that work to the public within the meaning of Article 3(1) of Directive 2001/29/EC ⁽¹⁾ if the work is first copied onto a server and is uploaded from there to that person's own website?

⁽¹⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, OJ 2001 L 167, p. 10.

Action brought on 5 April 2017 — Commission v Hungary

(Case C-171/17)

(2017/C 231/07)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented by: V. Bottka and H. Tserepa-Lacombe, acting as Agents)

Defendant: Hungary

Form of order sought

The Commission claims that the Court should:

— declare that the national mobile payment system established and maintained by Hungary, governed by Law CC of 2011 and Governmental Implementing Decree No 356/2012 of 13 December 2012, which creates a monopoly by granting exclusive rights to Nemzeti Mobilfizetési Zrt. and impedes entry into the wholesale mobile payments market, which was previously open to competition, and the establishment of which, moreover, was not necessary or proportional, is contrary:

— first, to Article 15(2)(d) and Article 16(1) of Directive 2006/123/EC, ⁽¹⁾ and

— secondly, to Articles 49 TFEU and 56 TFEU.

— order Hungary to pay the costs.