Request for a preliminary ruling from the Landgericht Dortmund (Germany) lodged on 20 April 2023 — ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen

(Case C-253/23, ASG)

(2023/C 261/16)

Language of the case: German

Referring court

Landgericht Dortmund

Parties to the main proceedings

Applicant: ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH

Defendant: Land Nordrhein-Westfalen

Questions referred

1. Is EU law, particularly Article 101 TFEU, Article 4(3) TEU, Article 47 of the Charter of Fundamental Rights of the European Union, and Articles 2(4) and 3(1) of Directive 2014/104/EU [1] to be interpreted as precluding an interpretation and application of the law of a Member State which has the effect of prohibiting a person who may have suffered harm by an infringement of Article 101 TFEU — established, with binding effect, on the basis of Article 9 of Directive 2014/104/EU or the national provisions transposing that article — from assigning on a fiduciary basis his or her claims for compensation — particularly in cases of collective or scattered harm — to a licensed provider of legal services, so that that provider can claim together with the claims of other alleged injured parties, by means of a follow-on action if other equivalent legal or contractual possibilities for consolidating claims for damages do not exist, in particular because they do not allow a judgment requiring performance [of payment of damages] to be sought, of if they are not practicable for other procedural reasons or are objectively unreasonable for economic reasons, with the consequence, in particular, that it would be practically impossible, or in any event excessively difficult, to bring an action for damages for a small amount?

2. Is EU law in any event be interpreted in this way if the claims for damages at issue have to be pursued without a prior decision on the alleged infringement from the European Commission or national authorities that has a binding effect within the meaning of national provisions based on Article 9 of Directive 2014/104/EU (known as a 'stand-alone action'), if other equivalent legal or contractual possibilities for consolidating civil law claims for damages do not exist for the reasons already set out in question 1, and, in particular, on the contrary, an action based on an infringement of Article 101 TFEU would not be brought, either via public enforcement nor via private enforcement?

3. If at least one of those two questions is answered in the affirmative, must the relevant provisions of German law remain unapplied if an interpretation which complies with EU law is ruled out, which would have the consequence that assignments [of claims for compensation] are in any event effective from that point of view and would render effective enforcement of law possible?

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[1] Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OJ 2014 L 349, p. 1).

Request for a preliminary ruling from the Ustavni sud Republike Hrvatske (Croatia) lodged on 28 April 2023 — E.P. v Ministarstvo financija Republike Hrvatske, Samostalni sektor za drugostupanjski upravni postupak

(Case C-277/23, Ministarstvo financija)

(2023/C 261/17)

Language of the case: Croatian

Referring court

Ustavni sud Republike Hrvatske

Parties to the main proceedings

Applicant: E.P.

Other party to the proceedings: Ministarstvo financija Republike Hrvatske, Samostalni sektor za drugostupanjski upravni postupak

Questions referred

1. Should Articles 18, 20, 21 and the second indent of Article 165(2) of the Treaty on the Functioning of the European Union (OJ 2016 C 202, p. 1) be interpreted as precluding legislation of a Member State under which a parent loses the right to increase the annual basic income tax allowance for a dependent child who, as a dependent student having exercised his or her right freely to move and reside in another Member State for the purpose of study, has availed himself or herself, on the basis of national implementing acts, of the measures provided for in Article 6(1)(a) of Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus +': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ 2013 L 347, p. 50) for the purpose of facilitating the mobility of students from a Member State with lower or middle average living costs to a Member State with higher average living costs, as determined according to the criteria of the European Commission set out in Article 18(7) of that regulation, when that child receives student mobility support which exceeds a certain fixed limit?

2. Should Article 67 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2002 L 166, p. 1) be interpreted as precluding legislation of a Member State under which a parent loses the right to increase the annual basic income tax allowance for a dependent student who, while studying in another Member State, availed himself or herself of the student mobility support provided for in Article 6(1)(a) of Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ 2013 L 347, p. 50)?

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 28 April 2023 — M.M., as heir of M.R. v Ministero della Difesa

(Case C-278/23, Biltena [1]**)**

(2023/C 261/18)

Language of the case: Italian

Referring court

Corte suprema di cassazione (Italy)

Parties to the main proceedings

Appellant: M.M., as heir of M.R.

Respondent: Ministero della Difesa

Questions referred

1. Must clause 5, 'Measures to prevent abuse', of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP annexed to Council Directive 1999/70/EC [2] of 28 June 1999 be interpreted as precluding national legislation, such as the Italian legislation contained in Article 2(1) of legge n. 1023 del 1969 (Law No 1023 of 1969) and Article 1 of the Decreto Ministeriale 20 dicembre 1971 (Ministerial Decree of 20 December 1971), providing for annual appointments of civilian staff outside the State administration (pursuant to Article 7 of the Ministerial Decree of 20 December 1971 'for a maximum period of one school year') for the teaching of non-military subjects in the schools, establishments and bodies of the Italian navy and air force, without the need to state any objective reasons justifying the renewal of the appointments (expressly provided for in Article 4 of that ministerial decree, which provides for a reduction in remuneration for the second appointment), the maximum total duration of fixed-term contracts or the maximum number of renewals, and without providing for the possibility for those teachers to obtain compensation for any damage suffered as a result of such renewal, in the absence, moreover, of any schoolteacher role in such schools to which they might have access?