

Other party to the proceedings: Finanzamt Kirchdorf — Perg — Steyr

By order of 20 January 2021, the Court of Justice (Tenth Chamber) ruled that the request for a preliminary ruling lodged by the Landesverwaltungsgericht Oberösterreich (Regional Administrative Court, Upper Austria, Austria), by decision of 29 June 2020, is manifestly inadmissible.

Request for a preliminary ruling from the Juzgado de lo Social n.º 26 de Barcelona (Spain) lodged on 19 November 2020 — KM v Instituto Nacional de la Seguridad Social (INSS)

(Case C-625/20)

(2021/C 79/24)

Language of the case: Spanish

Referring court

Juzgado de lo Social n.º 26 de Barcelona

Parties to the main proceedings

Applicant: KM

Defendant: Instituto Nacional de la Seguridad Social (INSS)

Questions referred

1. Is the Spanish rule on compatibility of benefits established in Article 163(1) of the [Ley General de la Seguridad Social] (General Law on Social Security), as interpreted by case-law, which prevents two permanent disability benefits awarded under the same Social Security scheme being deemed compatible, while benefits awarded under different schemes are deemed compatible, even if, in both cases, entitlement has been earned by virtue of separate contributions, contrary to the European rules established in Article 4 of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, ⁽¹⁾ and Article 5 of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), ⁽²⁾ given that the Spanish legislation may give rise to indirect discrimination on grounds of sex or gender, having regard to gender distribution in the different Spanish Social Security schemes?
2. If the reply to the first question is in the negative, could the Spanish legislation be contrary to the aforesaid European legislation if the two benefits relate to different injuries or illnesses?

⁽¹⁾ OJ 1979 L 6, p. 24.

⁽²⁾ OJ 2006 L 204, p. 23.

Request for a preliminary ruling from the Consiglio di Giustizia Amministrativa per la Regione Siciliana (Italy) lodged on 27 November 2020 — Caruter s.r.l. v S.R.R. Messina Provincia S.c.P.A., Comune di Basicò, Comune di Falcone, Comune di Fondachelli Fantina, Comune di Gioiosa Marea, Comune di Librizzi, Comune di Mazzarrà Sant'Andrea, Comune di Montagnareale, Comune di Oliveri, Comune di Piraino, Comune di San Piero Patti, Regione Siciliana — Urega — Ufficio regionale espletamento gare d'appalti lavori pubblici Messina, Regione Siciliana — Assessorato regionale delle infrastrutture e della mobilità

(Case C-642/20)

(2021/C 79/25)

Language of the case: Italian

Referring court

Consiglio di Giustizia Amministrativa per la Regione Siciliana