2. If Regulation (EEC) No 1408/71 applies to a worker as referred to in question 1(a), what legislation or sets of legislation does the Regulation then designate as applicable?

(1) Council Regulation of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ, English Special Edition 1971(II), p. 416).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 15 May 2013 — Nutricia NV; other party: Staatssecretaris van Financiën

(Case C-267/13)

(2013/C 207/49)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: Nutricia NV

Other party: Staatssecretaris van Financiën

Questions referred

1. Must the concept of 'medicament' within the meaning of heading 3004 of the Combined Nomenclature be interpreted as also including food preparations such as the products at issue, which are intended exclusively to be administered enterally (by means of a stomach tube) under medical supervision to persons who are undergoing medical treatment for a disease or ailment and who have the product administered to them as part of the control of that disease or ailment in order to control or prevent malnutrition?

2. Must the concept of 'beverages' within the meaning of heading 2202 of the Combined Nomenclature be interpreted as including liquid foodstuffs such as the products at issue, which are not intended to be drunk but to be administered enterally (by means of a stomach tube)?

Request for a preliminary ruling from the Tribunalul Sibiu (Romania) lodged on 16 May 2013 — Elena Petru v Casa Județeană de Asigurări de Sănătate Sibiu and Casa Națională de Asigurări de Sănătate

(Case C-268/13)

(2013/C 207/50)

Language of the case: Romanian

Referring court

Tribunalul Sibiu

Parties to the main proceedings

Applicant: Elena Petru

Defendants: Casa Județeană de Asigurări de Sănătate Sibiu, Casa Națională de Asigurări de Sănătate

Question referred

In the light of the second subparagraph of Article 22(2) of Regulation (EEC) No 1408/71, (1) is the requirement that the person concerned be unable to obtain treatment in the country of residence to be construed as categorical or as reasonable; that is to say, where, although the required surgery could, in technical terms, be carried out in good time in the country of residence — in that the necessary specialists are present there and have the same level of specialist skills as those abroad — does the lack of medicines and basic medical consumables mean that such a situation can, for the purposes of that provision, be equated with a situation in which the necessary medical treatment cannot be provided?

(1) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ 1971 L 149, p. 2, English special edition: Series I Volume 1971(II) P. 416 — 463).

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 17 May 2013 — Iraklis Haralambidis v Calogero Casilli

(Case C-270/13)

(2013/C 207/51)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Iraklis Haralambidis

Defendant: Calogero Casilli

Questions referred

1. Given that the exclusion laid down in Article 45(4) TFEU does not appear to apply to the present case [which concerns the appointment of a national of another Member State of the European Union as President of a Port Authority, a legal entity which can be classed as a body governed by public law] in that it relates to. employment in the public service (which is not an issue. in the present case) and given also that the fiduciary role of President of a Port Authority may nevertheless be regarded as an 'employment activity' in the broad sense,. does the provision reserving that post exclusively to Italian nationals constitute discrimination on grounds of nationality prohibited by Article 45 TFEU?