

Question referred

Does Article 1(2)(a) of Directive 2001/29/EC ⁽¹⁾ preclude the application of a provision (in this case Paragraph 95a(3) of the UrhG [Gesetz über Urheberrecht und verwandte Schutzrechte, Law on copyright and related rights]) which transposes Article 6(2) of Directive 2001/29/EC into national law if the technological measure in question protects not only works or other subject-matter but also computer programs?

⁽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).

Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Slovakia) lodged on 19 August 2013 — Milica Široká v Úrad verejného zdravotníctva Slovenskej republiky

(Case C-459/13)

(2013/C 344/75)

Language of the case: Slovak

Referring court

Najvyšší súd Slovenskej republiky

Parties to the main proceedings

Applicant: Milica Široká

Defendant: Úrad verejného zdravotníctva Slovenskej republiky

Questions referred

1. Is Article 35 of the Charter of Fundamental Rights of the European Union to be interpreted, in the spirit of the European legal tradition, as authorising every bearer of that right to choose whether to make use of or refuse access to preventative healthcare together with the possibility of using medical care without regard to the mandatory conditions set out in national laws and procedures, or does the public interest in ensuring a high level of health protection for European Union citizens not enable individuals to make that choice?
2. On a proper interpretation of Article 168 of the Treaty on the Functioning of the European Union, in particular paragraphs 1 and 4(c) thereof, does the European Union objective of, in particular, preventing physical and mental illness and obviating sources of danger to physical and mental health, preclude European Union citizens from refusing 'compulsory' vaccination, on the ground that that attitude represents a threat to public health?

3. Does parental responsibility for the purpose of Article 33 of the Charter of Fundamental Rights of the European Union in conjunction with Article 6(3) of the Treaty on European Union, which concerns in particular the unifying principle of the constitutional traditions common to the Member States, take precedence over the public interest in the protection of health, in favour of the parental care of a minor?

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 23 August 2013 — Stanley International Betting Ltd and Stanleybet Malta Ltd v Ministero dell'Economia e delle Finanze and Agenzia delle Dogane e dei Monopoli di Stato

(Case C-463/13)

(2013/C 344/76)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: Stanley International Betting Ltd, Stanleybet Malta Ltd

Respondents: Ministero dell'Economia e delle Finanze, Agenzia delle Dogane e dei Monopoli di Stato

Questions referred

1. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU and the principles laid down by the Court of Justice of the European Union in [Joined Cases C-72/10 and C-77/10 *Costa and Cifone* [2012] ECR I-0000] to be interpreted as precluding a call for tenders for the award of licences with a period of validity shorter than that of licences awarded in the past, where that tendering procedure has been launched in order to remedy the consequences of the unlawful exclusion of a certain number of operators from earlier tendering procedures?
2. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU and the principles laid down by the Court of Justice of the European Union in *Costa and Cifone* to be interpreted as precluding the possibility that sufficient justification for the shorter period of validity of licences offered for tender, as compared with licences awarded in the past, can be found in the requirement for the licensing system to be reorganised through the alignment of licence expiry dates?