

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 13 June 2017 (request for a preliminary ruling from the Curtea de Apel Alba Iulia — Romania) — Eugenia Florescu and Others v Casa Județeană de Pensii Sibiu and Others

(Case C-258/14) ⁽¹⁾

(Reference for a preliminary ruling — Article 143 TFEU — Difficulties as regards the balance of payments of a Member State — Financial assistance from the European Union — Memorandum of Understanding concluded between the European Union and the Member State in receipt of the assistance — Social policy — Principle of equal treatment — National legislation prohibiting the combining of a public retirement pension with employment income from a professional activity carried out in a public institution — Different treatment of persons occupying posts whose term is laid down in the Constitution and of professional judges and law officers)

(2017/C 277/02)

Language of the case: Romanian

Referring court

Curtea de Apel Alba Iulia

Parties to the main proceedings

Applicants: Eugenia Florescu, Ioan Poiană, Cosmina Diaconu (acting in her capacity as an heir of Mircea Bădilă), Anca Vidrighin (acting in her capacity as an heir of Mircea Bădilă), Eugenia Elena Bădilă (acting in her capacity as an heir of Mircea Bădilă)

Defendants: Casa Județeană de Pensii Sibiu, Casa Națională de Pensii și alte Drepturi de Asigurări Sociale, Ministerul Muncii, Familiei și Protecției Sociale, Statul roman, Ministerul Finanțelor Publice

Operative part of the judgment

1. The Memorandum of Understanding between the European Community and Romania, concluded in Bucharest and Brussels on 23 June 2009, must be regarded as an act of an EU institution, within the meaning of Article 267 TFEU, which may be subject to interpretation by the Court of Justice of the European Union.
2. The Memorandum of Understanding between the European Community and Romania, concluded in Bucharest and Brussels on 23 June 2009, must be interpreted as meaning that it does not require the adoption of national legislation, such as that at issue in the main proceedings, which prohibits the combining of a net public-sector retirement pension with income from activities carried out in public institutions if the amount of the pension exceeds the amount of the average gross national salary on the basis of which the State social security budget was drawn up.
3. Article 6 TEU and Article 17 of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which prohibits the combining of a net public-sector retirement pension with income from activities carried out in public institutions if the amount of that pension exceeds a certain threshold.

4. Article 2(2)(b) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as not applying to national legislation, such as that at issue in the main proceedings, which is interpreted as meaning that the prohibition on the combining of a net retirement pension with income from activities carried out in public institutions, laid down by the national legislation if the amount of the pension exceeds the amount of the national gross average salary on the basis of which the State social security budget was drawn up, applies to professional judges but not to persons occupying a post whose term is laid down in the national Constitution.

⁽¹⁾ OJ C 292, 1.9.2014.

Judgment of the Court (Sixth Chamber) of 15 June 2017 (request for a preliminary ruling from the Korkein hallinto-oikeus — Finland) — proceedings brought by Ilves Jakelu Oy

(Case C-368/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 97/67/EC — Article 9 — Freedom to provide services — Postal services — Notions of universal service and essential requirements — General and individual authorisations — Authorisation to provide postal services under individually negotiated contracts — Conditions imposed)

(2017/C 277/03)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Ilves Jakelu Oy

Intervening party: Liikenne- ja viestintäministeriö

Operative part of the judgment

1. Article 9(1) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008, must be interpreted to the effect that a postal items service such as the one at issue in the main proceedings does not fall within the scope of the universal service if it does not involve the permanent provision of a postal service of specified quality at all points in the territory at affordable prices for all users. The provision of a postal items service which does not fall within the scope of the universal service may be subjected only to the issuing of a general authorisation.
2. Article 9(1) of Directive 97/67, as amended by Directive 2008/6, must be interpreted to the effect that the provision of postal services not falling within the scope of the universal service may be made subject to requirements such as those referred to in Article 9 (2), second subparagraph, second indent, of that directive, as amended.

⁽¹⁾ OJ C 311, 21.9.2015.