

2. Article 110(1) of Regulation No 6/2002 must be interpreted as meaning that the 'repair' clause in it makes the exclusion of protection as a Community design for a design which constitutes a component part of a complex product which is used for the purpose of the repair of that complex product so as to restore its original appearance subject to the condition that the replacement part must have an identical visual appearance to that of the part which was originally incorporated into the complex product when it was placed on the market.
3. Article 110(1) of Regulation No 6/2002 must be interpreted as meaning that, in order to rely on the 'repair' clause contained in that provision, the manufacturer or seller of a component part of a complex product are under a duty of diligence as regards compliance by downstream users with the conditions laid down in that provision.

⁽¹⁾ OJ C 371, 10.10.2016.

Judgment of the Court (Third Chamber) of 20 December 2017 (reference for a preliminary ruling from the Tribunale di Bolzano — Italy) — Sabine Simma Federspiel v Provincia autonoma di Bolzano, Equitalia Nord SpA

(Case C-419/16) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of establishment and freedom of movement for workers — Articles 45 and 49 TFEU — Mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine — Directives 75/363/EEC and 93/16/EEC — Remuneration of trainee specialist doctors)

(2018/C 072/24)

Language of the case: Italian

Referring court

Tribunale di Bolzano

Parties to the main proceedings

Applicant: Sabine Simma Federspiel

Defendants: Provincia autonoma di Bolzano, Equitalia Nord SpA

Operative part of the judgment

1. Article 2(1)(c) of Council Directive 75/363/EEC of 16 June 1975 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors, as amended by Council Directive 82/76/EEC of 26 January 1982, as well as Article 24(1)(c) of Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications must be interpreted as not precluding the legislation of a Member State, such as that at issue in the main proceedings, in accordance with which the disbursement of a national bursary intended to fund training given in another Member State, leading to qualification as a specialist doctor, is conditional upon the recipient doctor practising his profession in that first Member State for a period of five years over a ten-year period following completion of the specialisation or, failing that, upon his repayment of up to 70 % of the amount of the bursary received, together with interest.
2. Articles 45 and 49 TFEU must be interpreted as not precluding the legislation of a Member State, such as that at issue in the main proceedings, in accordance with which the disbursement of a national bursary intended to fund training given in another Member State, leading to qualification as a specialist doctor, is conditional upon the recipient doctor practising his profession in that first Member State for a period of five years over a ten-year period following completion of the specialisation or, failing that, upon his repayment of up to 70 % of the amount of the bursary received, together with interest, unless the measures laid down by that legislation do not actually contribute to the pursuit of the objectives of protection of public health and of the financial equilibrium of the social security system and go beyond what is necessary in that regard, which is a matter for the referring court to assess.

⁽¹⁾ OJ C 392, 24.10.2016.