

Operative part of the judgment

The Court:

1. Declares that, by requiring undertakings to have at least three vehicles in order to obtain a public transport licence, the Kingdom of Spain has failed to fulfil its obligations under Article 3(1) and (2) and Article 5(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;
2. Orders the Kingdom of Spain to pay the costs.

(¹) OJ C 195, 19.6.2017.

Appeal brought on 19 August 2017 by CBA Spielapparate- und Restaurantbetriebs GmbH against the order of the General Court (Third Chamber) of 19 June 2017 in Case T-906/16, CBA Spielapparate- und Restaurantbetriebs GmbH v European Commission

(Case C-508/17 P)

(2018/C 123/09)

Language of the case: German

Parties

Appellant: CBA Spielapparate- und Restaurantbetriebs GmbH (represented by: A. Schuster, Rechtsanwalt)

Other party to the proceedings: European Commission

By order of 8 February 2018, the Court of Justice of the European Union (Tenth Chamber) dismissed the appeal and ordered the appellant to bear its own costs.

Request for a preliminary ruling from the Oberlandesgericht Wien (Austria) lodged on 15 December 2017 — Adelheid Krah v Universität Wien

(Case C-703/17)

(2018/C 123/10)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Appellant: Adelheid Krah

Respondent: Universität Wien

Questions referred

Question 1:

Must EU law, in particular Article 45 TFEU, Article 7(1) of Regulation (EU) No 492/2011 (¹) of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, and Articles 20 and 21 of the Charter of Fundamental Rights of the European Union, be interpreted as precluding a provision under which previous professionally-relevant periods of service of a member of the teaching staff of the University of Vienna can be recognised only up to a total period of three or four years, irrespective of whether these are periods of service with the University of Vienna or with other national or international universities or similar institutions?

Question 2:

Is a system of pay that does not provide for full recognition of previous professionally-relevant periods of service, but at the same time links a higher rate of pay to the duration of employment with the same employer, at variance with the freedom of movement for workers in accordance with Article 45(2) TFEU and Article 7(1) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union?

⁽¹⁾ OJ 2011 L 141, p. 1.

Request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich (Austria) lodged on 21 December 2017 — Ahmad Shah Ayubi

(Case C-713/17)

(2018/C 123/11)

Language of the case: German

Referring court

Landesverwaltungsgericht Oberösterreich

Parties to the main proceedings

Applicant: Ahmad Shah Ayubi

Defendant authority: Bezirkshauptmannschaft Linz-Land

Questions referred

1. Is Article 29 of Directive 2011/95/EU, ⁽¹⁾ under which a Member State has the obligation to provide to beneficiaries of international protection (in the Member State that granted such protection) the necessary social assistance as provided to nationals of that Member State, to be interpreted as satisfying the criteria for direct applicability as developed in the case-law of the Court of Justice of the European Union?
2. Is Article 29 of Directive 2011/95/EU to be interpreted as precluding national legislation which provides that only persons granted asylum with permanent residence be given social assistance in the form of needs-based minimum benefits in full and to the same extent as nationals of the Member State, but provides for the reduction of social assistance from needs-based minimum benefits for those persons granted asylum with only temporary residence, and consequently, in the same amount of social assistance as is awarded to persons eligible for subsidiary protection?

⁽¹⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

Request for a preliminary ruling from the Amtsgericht Hannover (Germany) lodged on 27 December 2017 — Sebastian Vollmer, Vera Sagalov v Swiss Global Air Lines AG

(Case C-721/17)

(2018/C 123/12)

Language of the case: German

Referring court

Amtsgericht Hannover