

Reference for a preliminary ruling from the Landesgericht Feldkirch (Austria) lodged on 28 July 2008 — Vorarlberger Gebietskrankenkasse v WGV-Schwäbische Allgemeine Versicherungs AG

(Case C-347/08)

(2008/C 272/18)

Language of the case: German

Referring court

Landesgericht Feldkirch

Parties to the main proceedings

Applicant: Vorarlberger Gebietskrankenkasse

Defendant: WGV-Schwäbische Allgemeine Versicherungs AG

Questions referred

1. Is the reference in Article 11(2) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters⁽¹⁾ to Article 9(1)(b) of that regulation to be interpreted as meaning that a social security institution, to which the claims of the directly injured party have passed by operation of law (Paragraph 332 of the Allgemeines Sozialversicherungsgesetz (General Social Insurance Law, ASVG)), may bring an action directly against the insurer in the courts for the place in a Member State where the social security institution is established, provided that such a direct action is permitted and the insurer is domiciled in a Member State?
2. If the answer to Question 1 is in the affirmative: Does that jurisdiction exist even if at the time of bringing the action the directly injured party is not permanently or ordinarily resident in the Member State in which the social security institution is established?

⁽¹⁾ OJ 2001 L 12, p. 1.

Reference for a preliminary ruling from the Bundessozialgericht (Germany) lodged on 4 August 2008 — Christian Grimme v Deutsche Angestellten Krankenkasse

(Case C-351/08)

(2008/C 272/19)

Language of the case: German

Referring court

Bundessozialgericht

Parties to the main proceedings

Applicant: Christian Grimme

Defendant: Deutsche Angestellten Krankenkasse

Question referred

Are the provisions of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (OJ 2002 L 114, p. 6)⁽¹⁾, in particular Articles 1, 5, 7 and 16 thereof and Articles 12, 17, 18 and 19 of Annex I thereto, to be interpreted as meaning that they preclude a rule which obliges a member of a managing board of a company limited by shares governed by Swiss law who is employed in Germany to be insured in the German statutory pension insurance scheme, whereas members of managing boards of companies limited by shares governed by German law are exempt from that obligation?

⁽¹⁾ OJ 2002 L 114, p. 6.

Appeal brought on 7 August 2008 by Internationaler Hilfsfonds e.V. against the judgment delivered by the Court of First Instance (Fifth Chamber) on 5 June 2008 in Case T-141/05 Internationaler Hilfsfonds e.V. v Commission

(Case C-362/08 P)

(2008/C 272/20)

Language of the case: German

Parties

Appellant: Internationaler Hilfsfonds e.V. (represented by: H. Kaltenecker, lawyer)

Other party to the proceedings: Commission of the European Communities

Form of order sought

- set aside the judgment of the Court of First Instance of 5 June 2008;
- give final judgment in the matter and annul the decision of the Commission of 14 February 2005 (Article 54 of the Statutes of the Court of Justice);
- in the alternative, refer the case back to the Court of First Instance;
- order the Commission to pay the costs of the proceedings, including the appellant's costs.