

Operative part of the judgment

Article 6(1)(d) of Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims must be interpreted as meaning that it does not apply to contracts concluded between two persons who are not engaged in commercial or professional activities.

(¹) OJ C 46, 16.2.2013.

Judgment of the Court (Second Chamber) of 5 December 2013 (request for a preliminary ruling from the Landesgericht Salzburg — Austria) — Zentralbetriebsrat der gemeinnützigen Salzburger Landeskliniken Betriebs GmbH v Land Salzburg

(Case C-514/12) (¹)

(Freedom of movement for workers — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7(1) — National legislation providing for account to be taken only of a proportion of the periods of service completed with employers other than Land Salzburg — Restriction of freedom of movement for workers — Justifications — Overriding reasons in the public interest — Objective of rewarding loyalty — Administrative simplification — Transparency)

(2014/C 45/26)

Language of the case: German

Referring court

Landesgericht Salzburg

Parties to the main proceedings

Applicant: Zentralbetriebsrat der gemeinnützigen Salzburger Landeskliniken Betriebs GmbH

Defendant: Land Salzburg

Re:

Request for a preliminary ruling — Landesgericht Salzburg — Interpretation of Article 45 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 (OJ 2011 L 141, p. 1) — Remuneration of contractual civil servants of a Member State — National legislation providing for account to be taken of all periods of service completed with a specific public employer, but for account to be taken of only a proportion of the periods of service completed after a certain age with other public or private employers.

Operative part of the judgment

Article 45 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 must be interpreted as precluding national legislation under which, in determining the reference date for the purposes of the advancement of an employee of a local or regional authority to the next pay step in his grade, account is to be taken of all uninterrupted periods of service completed with that authority, but of only a proportion of any other periods of service.

(¹) OJ C 63, 2.3.2013.

Judgment of the Court (Seventh Chamber) of 12 December 2013 (request for a preliminary ruling from the Tribunale amministrativo regionale per la Puglia — Italy) — Dirextra Alta Formazione srl v Regione Puglia

(Case C-523/12) (¹)

(Request for a preliminary ruling — Freedom to provide services — Grants of public money, co-financed by the European Social Fund, for students enrolled in post-graduate specialist programmes of study — Regional legislation designed to enhance the level of education locally and making the award of grants subject to conditions targeting providers of post-graduate programmes of study — Condition requiring 10 years' continuous experience)

(2014/C 45/27)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per la Puglia

Parties to the main proceedings

Applicant: Dirextra Alta Formazione srl

Defendant: Regione Puglia

Re:

Request for a preliminary ruling — Tribunale amministrativo regionale per la Puglia — Interpretation of Articles 56 TFEU, 101 TFEU and 107 TFEU — Interpretation of Articles 9 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Articles 11 and 14 of the Charter of Fundamental Rights of the European Union — Principles of proportionality and non-discrimination — Grants of public money, co-financed by the European Social Fund, for students enrolled in post-graduate Masters degree courses — Regional legislation designed to enhance the level of education locally and making the award of student grants conditional upon the level of professionalism of the Masters degree course providers — Provider which has the requisite experience in terms of the number of hours of training completed, but which has not achieved this in the prescribed manner and within the prescribed period.

Operative part of the judgment

Article 56 TFEU must be interpreted as not precluding a provision of national law, such as the provision at issue in the main proceedings, which requires higher education establishments with which students applying for a regional study grant co-financed by the European Social Fund plan to enrol to demonstrate 10 years' experience where such establishments are neither universities recognised by that national law nor establishments organising approved Masters degree courses.

(¹) OJ C 32, 2.2.2013.

Judgment of the Court (Fourth Chamber) of 5 December 2013 (request for a preliminary ruling from the Riigikohus — Estonia) — Nordecon AS, Ramboll Eesti AS v Rahandusministeerium

(Case C-561/12) (¹)

(Public procurement — Negotiated procedure with prior publication of a contract notice — Whether possible for the contracting authority to negotiate on tenders which do not comply with the mandatory requirements of the technical specifications relating to the contract)

(2014/C 45/28)

Language of the case: Estonian

Referring court

Riigikohus

Parties to the main proceedings

Appellants: Nordecon AS, Ramboll Eesti AS

Respondents: Rahandusministeerium

Re:

Request for a preliminary ruling — Riigikohus — Interpretation of Article 30(2) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114) — Negotiated procedure with publication of a contract notice — Whether or not possible for the contracting authority to enter into negotiations on tenders that do not satisfy the mandatory requirements of the technical specifications set out in the contract documents — Technical specifications amended during the negotiations — Whether the public contract may be awarded to a tenderer submitting a tender that does not meet those technical specifications.

Operative part of the judgment

Article 30(2) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts does not allow the contracting authority to negotiate with tenderers tenders that do not comply with the mandatory requirements laid down in the technical specifications of the contract.

(¹) OJ C 38, 9.2.2013.

Judgment of the Court (First Chamber) of 28 November 2013 — Ivan Jurašinović v Council of the European Union

(Case C-576/12 P) (¹)

(Appeal — Access to the documents of the institutions — Regulation (EC) No 1049/2001 — Exceptions to the right of access — Article 4(1)(a), first and third indents — Public security — International relations)

(2014/C 45/29)

Language of the case: French

Parties

Appellant: Ivan Jurašinović (represented by: N. Amara-Lebret, avocate)

Other party to the proceedings: Council of the European Union (represented by: K. Pellinghelli and B. Driessen, Agents)

Re:

Appeal brought against the judgment of the General Court (Second Chamber, Extended composition) of 3 October 2012 in Case T-465/09 *Jurašinović v Council* by which the General Court dismissed the application for annulment of the Council decision of 21 September 2009 granting access to some of the reports drawn up by the European Union observers present in Croatia, in the Knin region, between 1 and 31 August 1995 — Application for access to documents held by the Council — Infringement of the right to a fair trial — Infringement of Articles 4(1) and 9 of Regulation No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43) — Reports of observers posted by the European Union in Croatia — Exceptions to the right of access to documents — Sensitive documents — Risk of prejudice to the protection of international relations — Previous disclosure of those documents to a defendant in the context of criminal proceedings pending before the International Criminal Tribunal for the former Yugoslavia — Proper conduct of the criminal proceedings adversely affected.