

Judgment of the Court (Fifth Chamber) of 6 November 2014 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — Agentur für Arbeit Krefeld — Familienkasse v Susanne Fassbender-Firman

(Case C-4/13) ⁽¹⁾

(Social security — Regulation (EEC) No 1408/71 — Family benefits — Rules governing cases of overlapping entitlements to family benefits)

(2015/C 007/03)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Appellant: Agentur für Arbeit Krefeld — Familienkasse

Respondant: Susanne Fassbender-Firman

Operative part of the judgment

Article 76(2) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Council Regulation (EC) No 1606/98 of 29 June 1998, must be interpreted as authorising the Member State of employment to provide in its legislation for suspension by the competent institution of entitlement to family benefits when no application has been made for family benefits in the Member State of residence. In such circumstances, if the Member State of employment provides for such suspension of entitlement to family benefits in its national legislation, the competent institution is bound to apply that suspension in accordance with Article 76(2) of Regulation No 1408/71, provided that the conditions for the application of that legislation are met, and has no discretion in that regard.

⁽¹⁾ OJ C 101, 6.4.2013.

Judgment of the Court (Tenth Chamber) of 6 November 2014 (request for a preliminary ruling from the Tribunale amministrativo regionale per la Lombardia — Italy) — Cartiera dell'Adda SpA v CEM Ambiente SpA

(Case C-42/13) ⁽¹⁾

(Public procurement — Principles of equal treatment and transparency — Directive 2004/18/EC — Grounds for excluding a tenderer from participating — Article 45 — The personal situation of the candidate or tenderer — Compulsory statement concerning the person designated as 'technical director' — Statement not included with the tender — Exclusion from the contract without any possibility of remedying that omission)

(2015/C 007/04)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per la Lombardia