

- (b) If so, is it justified in order to avoid a deterioration in the remuneration status of civil servants (who clearly also include new civil servants) who do not have suitable eligible periods before the age of 18 even though eligibility also covers other periods after the age of 18?
6. If Question 4(a) is answered in the affirmative and Question 4(b) is answered in the negative and, at the same time, Question 3 is answered in the affirmative or Question 5(a) is answered in the affirmative and Question 5(b) in the negative:

Do the discriminatory characteristics of the new rules which then exist mean that the unequal treatment of old civil servants is no longer justified as a transitional phenomenon?

<sup>(1)</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

**Request for a preliminary ruling from the  
Verwaltungsgerichtshof (Austria) lodged on 8 October  
2013 — Kornhuber and Others**

(Case C-531/13)

(2014/C 15/05)

*Language of the case: German*

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Applicants:* Marktgemeinde Straßwalchen, Heinrich Kornhuber, Helga Kornhuber, Karoline Pöckl, Heinz Kornhuber, Marianne Kornhuber, Wolfgang Kornhuber, Andrea Kornhuber, Alois Herzog, Elfriede Herzog, Katrin Herzog, Stefan Asen, Helmut Zopf, Ingrid Zopf, Silvia Zopf, Daniel Zopf, Maria Zopf, Anton Zopf sen., Paula Loibichler, Theresa Baumann, Josep Schindlauer, Christine Schindlauer, Barbara Schindlauer, Bernhard Schindlauer, Alois Mayrhofer, Daniel Mayrhofer, Georg Rindberger, Maria Rindlberger, Georg Rindlberger sen., Max Herzog, Romana Herzog, Michael Herzog, Markus Herzog, Marianne Herzog, Max Herzog sen., Helmut Lettner, Maria Lettner, Anita Lettner, Alois Lettner sen., Christian Lettner, Sandra Lettner, Anton Nagelseder, Amalie Nagelseder, Josef Nagelseder, Gabriele Schachinger, Thomas Schachinger, Andreas Schinagl, Michaela Schinagl, Lukas Schinagl, Michael Schinagl, Maria Schinagl, Josef Schinagl, Johann Mayr, Christine Mayr, Martin Mayr, Christian Mayr, Johann Mayr sen., Gerhard Herzog, Anton Mayrhofer, Siegfried Zieher

*Defendant authority:* Bundesminister für Wirtschaft, Familie und Jugend

*Intervening party:* Rohöl-Aufsuchungs AG

**Questions referred**

1. Does the trial extraction of natural gas, for a limited period and in a limited quantity, which is carried out in the context of an exploratory drilling operation designed to establish whether the permanent extraction of natural gas would be economically viable constitute an 'extraction of ... natural gas for commercial purposes' within the meaning of Annex I, no 14, to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, <sup>(1)</sup> as amended by Directive 2009/31/EC of the European Parliament and of the Council (Directive 85/337)? <sup>(2)</sup>

If the reply to Question 1 is in the affirmative, the following further questions arise:

2. Does Annex I, no 14, to Directive 85/337 preclude a provision of national law which, with regard to the extraction of natural gas, does not relate the threshold figures in Annex I, no 14, to Directive 85/337 to extraction ('Gewinnung') as such, but to 'extraction per probe' ('Förderung pro Sonde')?
3. Is Directive 85/337 to be interpreted as meaning that, in a situation such as that in the main proceedings, in which an application is being made for authorisation for the trial extraction of natural gas in the context of an exploratory drilling operation, the authority, in order to determine whether there is an obligation to carry out an environmental impact assessment, must examine, as to their cumulative effect, only all projects of the same kind, specifically, all drilling sites which have been opened in the municipal district?

<sup>(1)</sup> OJ 1985 L 175, p. 40.

<sup>(2)</sup> OJ 2009 L 140, p. 114.

**Request for a preliminary ruling from the Fővárosi  
Közigazgatási és Munkaügyi Bíróság (Hungary) lodged  
on 9 October 2013 — Sofia Zoo v Országos  
Környezetvédelmi, Természetvédelmi és Vízügyi  
Főfelügyelőség**

(Case C-532/13)

(2014/C 15/06)

*Language of the case: Hungarian*

**Referring court**

Fővárosi Közigazgatási és Munkaügyi Bíróság

**Parties to the main proceedings**

*Applicant:* Sofia Zoo

*Defendant:* Országos Környezetvédelmi, Természetvédelmi és Vízügyi Főfelügyelőség

**Questions referred**

1. Under Article 11(2)(a) of Council Regulation (EC) No 338/97, <sup>(1)</sup> must permits and certificates be deemed void only in respect of the specimens actually affected by a ground for invalidity, or in respect also of the other specimens covered by the permit or certificate?
2. Does Article 11(2)(b) of Council Regulation (EC) No 338/97 provide that all the specimens covered by the permits or certificates deemed void in accordance with Article 11(2)(a) must be seized, and may be confiscated, or only those which are actually affected by the ground for invalidity?

<sup>(1)</sup> Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

**Request for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 17 October 2013 — Raad van bestuur van de Sociale verzekeringsbank v E. Fischer-Lintjens**

(Case C-543/13)

(2014/C 15/07)

*Language of the case:* Dutch

**Referring court**

Centrale Raad van Beroep

**Parties to the main proceedings**

*Appellant:* Raad van bestuur van de Sociale verzekeringsbank

*Respondent:* E. Fischer-Lintjens

**Questions referred**

1. Must the term 'payable', as used in Article 27 et seq. of

Regulation (EEC) No 1408/71, <sup>(1)</sup> be interpreted as meaning that the decisive factor for the purpose of determining the point in time from which a pension is payable is the date of the decision to make an award, after which the pension is paid, or the commencement date of the pension awarded with retroactive effect?

2. If the term 'payable' refers to the commencement date of the pension awarded with retroactive effect:

Can this be reconciled with the fact that the person entitled to receive the pension who comes under Article 27 of Regulation (EEC) No 1408/71 cannot, under Netherlands legislation, take out medical care insurance with the same retroactive effect?

<sup>(1)</sup> Council Regulation (EEC) No 1408/71 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 (OJ, English Special Edition 1971(II), p. 416).

**Request for a preliminary ruling from the Stockholms tingsrätt (Sweden) lodged on 21 October 2013 — Abcur AB v Apoteket Farmaci AB**

(Case C-544/13)

(2014/C 15/08)

*Language of the case:* Swedish

**Referring court**

Stockholms tingsrätt

**Parties to the main proceedings**

*Applicant:* Abcur AB

*Defendant:* Apoteket Farmaci AB

**Questions referred**

1. Can a prescription-only medicinal product for human use which is used only in emergency health care, for which no marketing authorisation has been granted by the competent authority in a Member State or pursuant to Regulation (EEC) No 2309/93, <sup>(1)</sup> and which is prepared by an operator such as that involved in the proceedings before the Stockholms tingsrätt (Stockholm District Court) and ordered by health care institutions on the conditions material to the case before the Stockholms tingsrätt, be covered by any of the exceptions in Article 3(1) or (2) of Directive 2001/83 <sup>(2)</sup> on the Community code relating to medicinal products for human use, in particular in a situation where there is another authorised medicinal product with the same active substance, same dosage and same pharmaceutical form?