Question referred

Should the principle of proportionality, laid down in Article 5 TEU and Article 52(1) of the Charter, ([1]) read in conjunction with Articles 15, 16 and 17 of the Charter and with Articles 28 TFEU and 56 TFEU, be interpreted as precluding a rule such as that laid down in the Ordonnantie van het Brusselse Hoofstedelijk Gewest van 27 april 1995 betreffende de taxidiensten voor het verhuren van voertuigen met vervoerder (Ordinance of the Brussels-Capital Region of 27 April 1995 relating to taxis and services for the rental of vehicles with carrier), be interpreted as meaning that the term 'taxi services' ('taxidiensten') also applies to unpaid individual carriers who are involved in ride sharing (shared transport) by accepting ride requests which they are offered by means of a software application of the companies Uber BV et al established in another Member State?

([1]) OJ 2000 C 364, p. 1.

Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (Spain) lodged on 8 October 2015 — Elda Otero Ramos v Servizo Galego de Saúde, Instituto Nacional de la Seguridad Social

(Case C-531/15)

(2015/C 429/14)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Galicia

Parties to the main proceedings

Applicant: Elda Otero Ramos

Defendant: Servizo Galego de Saúde, Instituto Nacional de la Seguridad Social

Questions referred

1. Are the rules on the burden of proof laid down in Article 19 of Directive 2006/54/EC ([1]) of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) applicable to the situation of risk during breastfeeding referred to in Article 26(4), in conjunction with Article 26(3), of the Law on the Prevention of Occupational Risks, which was adopted to transpose into Spanish law Article 5(3) of Council Directive 92/85/EEC ([2]) of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding?

2. If question 1 is answered in the affirmative, can the existence of risks to breastfeeding when working as a nurse in a hospital accident and emergency department, established by means of a report issued by a doctor who is also the director of the accident and emergency department of the hospital where the worker is employed, be considered to be facts from which it may be presumed that there has been direct or indirect discrimination within the meaning of Article 19 of Directive 2006/54/EC?

3. If question 2 is answered in the affirmative, can the fact that the job performed by the worker is included in the list of risk-free jobs drawn up by the employer after consulting the workers' representatives and the fact that the preventive medicine/prevention of occupational risks department of the hospital concerned has issued a declaration that the worker is fit for work, without those documents including any further information regarding how those conclusions were reached, be considered to prove, in every case and without possibility of challenge, that there has been no breach of the principle of equal treatment within the meaning of Article 19 of Directive 2006/54/EC?

4. If question 2 is answered in the affirmative and question 3 is answered in the negative, which of the parties — the applicant worker or the defendant employer — has, in accordance with Article 19 of Directive 2006/54/EC, the burden of proving, once it has been established that performance of the job creates risks to the mother or the breast-fed child, (1) that the adjustment of working conditions or working hours is not feasible or that, despite such adjustment, the working conditions are liable to have an adverse effect on the health of the pregnant worker or breast-fed child (Article 26(2), in conjunction with Article 26(4), of the Law on the Prevention of Occupational Risks, which transposes Article 5(2) of Directive 92/85/EEC), and (2) that it is not technically or objectively feasible to move the worker to another job or that such a move cannot reasonably be required on substantiated grounds (Article 26(3), in conjunction with Article 26(4), of the Law on the Prevention of Occupational Risks, which transposes Article 5(3) of Directive 92/85/EEC)?

([1]) OJ 2006 L 204, p. 23.
([2]) OJ 1992 L 348, p. 1.

Request for a preliminary ruling from the Audiencia Provincial de Zaragoza (Spain) lodged on 9 October 2015 — Eurosaneamientos, S.L. and Others v ArcelorMittal Zaragoza, S.A.

(Case C-532/15)

(2015/C 429/15)

Language of the case: Spanish

Referring court

Audiencia Provincial de Zaragoza

Parties to the main proceedings

Applicants: Eurosaneamientos, S.L., Entidad Urbanística Conservación Parque Tecnológico de reciclado López Soriano, UTE PTR Acciona Infraestructuras, S.A.

Defendant: ArcelorMittal Zaragoza, S.A.

Questions referred

1. Is the fact that there is a legal provision laid down by the State that requires State control in the fixing of the fees of *procuradores*, by means of rules setting the exact and mandatory amount of those fees, and conferring authority on the courts, in particular in the event of an order for costs, in each particular case to fix those costs subsequently, although that authority is limited to ensuring the strict application of the tariff without the possibility of departing, in exceptional cases and by way of a reasoned decision, from the limits set in the legal provision on tariffs consistent with Articles 4(3) [TEU] and 101 TFEU?

2. Does the definition of the concepts 'overriding reasons relating to the public interest', 'proportionality' and 'necessity' in Articles [4] and [15] of the Directive on services in the internal market ([1]) as applied by the EU courts, allow the courts of the Member States, in circumstances where there is State regulation in relation to the fixing of fees and there is an implied declaration, in the absence of any rules in the implementing legislation, that there is an overriding reason relating to the public interest, although its inconsistency with EU case-law does not allow it to be upheld, to hold in a particular case that there is a limitation which is not in the public interest and, therefore, to disregard or to amend the legal provision imposing rules on the remuneration of *procuradores*?