

Request for a preliminary ruling from the Tribunale di Bolzano/Landesgericht Bozen (Italy) lodged on 28 July 2016 — Sabine Simma Federspiel v Provincia autonoma di Bolzano, Equitalia Nord SpA

(Case C-419/16)

(2016/C 392/10)

Language of the case: Italian

Referring court

Tribunale di Bolzano/Landesgericht Bozen

Parties to the main proceedings

Applicant: Sabine Simma Federspiel

Defendants: Provincia autonoma di Bolzano, Equitalia Nord SpA

Questions referred

1. Are Article 2(1)(c) of Directive 75/363/EEC, ⁽¹⁾ as amended by Directive 82/76/EEC, ⁽²⁾ and the annex referred to therein to be interpreted as precluding a provision of national law, such as that applicable in the main proceedings, which makes disbursement of the remuneration for doctors studying to become specialists subject to presentation of a declaration by the recipient doctor undertaking to work for at least five years in the public health service of the Autonomous Province of Bolzano/Bozen within ten years of completing training as a specialist and which, in the event of a total failure to honour that undertaking, expressly permits the Autonomous Province of Bolzano/Bozen, as the body funding the remuneration, to reclaim up to 70 % of the allowance paid together with statutory interest calculated from the moment at which the administration paid each individual instalment?
2. If the first question is answered in the negative: does the principle of freedom of movement for workers under Article 45 TFEU preclude a provision of national law, such as that applicable in the main proceedings, which makes disbursement of the remuneration for doctors studying to become specialists subject to presentation of a declaration by the recipient doctor undertaking to work for at least five years in the public health service of the Autonomous Province of Bolzano/Bozen within ten years of completing training as a specialist and which, in the event of a total failure to honour that undertaking, expressly permits the Autonomous Province of Bolzano/Bozen, as the body funding the remuneration, to reclaim up to 70 % of the allowance paid together with statutory interest calculated from the moment at which the administration paid each individual instalment?

⁽¹⁾ Council Directive 75/363/EEC of 16 June 1975 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors (OJ 1975 L 167, p. 14).

⁽²⁾ Council Directive 82/76/EEC of 26 January 1982 amending Directive 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate effective exercise of the right of establishment and freedom to provide services and Directive 75/363/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors (OJ 1982 L 43, p. 21).

Appeal brought on 28 July 2016 by Balázs-Árpád Izsák and Attila Dabis against the judgment delivered on 10 May 2016 in Case T-529/13 Balázs-Árpád Izsák and Attila Dabis v European Commission

(Case C-420/16 P)

(2016/C 392/11)

Language of the case: Hungarian

Parties

Appellants: Balázs-Árpád Izsák and Attila Dabis (represented by: D. Sobor, ügyvéd)