

Request for a preliminary ruling from the Tribunal de Contas (Portugal) lodged on 28 February 2017 — Secretaria Regional de Saúde dos Açores v Ministério Público

(Case C-102/17)

(2017/C 151/27)

Language of the case: Portuguese

Referring court

Tribunal de Contas

Parties to the main proceedings

Applicant: Secretaria Regional de Saúde dos Açores

Defendant: Ministério Público

Question referred

Must Article 58(4) of Directive No 2014/24/EU⁽¹⁾ of the European Parliament and of the Council of 26 February 2014 be interpreted as precluding national legislation, such as that described [that is, Article 40(3) and (5)(c) of Regional Legislative Decree No 27/2015/A of 29 December 2015], which, in the area of public procurement, allows a geographical criterion, requiring three public contracts to have been performed previously in the same autonomous region, to be imposed as a qualifying criterion?

⁽¹⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC
OJ 2014 L 94, p. 65.

Reference for a preliminary ruling from the High Court of Justice (Chancery Division) (United Kingdom) made on 8 March 2017 — Teva UK Ltd, Accord Healthcare Ltd, Lupin Ltd, Lupin (Europe) Ltd, Generics (UK) trading as ‘Mylan’ v Gilead Sciences Inc.

(Case C-121/17)

(2017/C 151/28)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicants: Teva UK Ltd, Accord Healthcare Ltd, Lupin Ltd, Lupin (Europe) Ltd, Generics (UK) trading as ‘Mylan’

Defendant: Gilead Sciences Inc.

Question referred

What are the criteria for deciding whether ‘the product is protected by a basic patent in force’ in Article 3(a) of Regulation No. 469/2009⁽¹⁾?

⁽¹⁾ Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ 2009, L 152, p. 1).