

Question referred

Should the term ‘proceedings’ in Article 201(1)(a) of Directive 2009/138/EC⁽¹⁾ of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance be interpreted as including extrajudicial and judicial mediation proceedings, as provided for in Articles 1723/1 to 1737 of the Belgian *Gerechtelijk Wetboek* (Judicial Code)?

⁽¹⁾ OJ 2009 L 335, p. 1.

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Sardegna (Italy) lodged on 29 October 2018 — CO v Comune di Gesturi

(Case C-670/18)

(2019/C 25/28)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Sardegna

Parties to the main proceedings

Applicant: CO

Defendant: Comune di Gesturi

Question referred

Does the principle of non-discrimination referred to in Articles 1 and 2 of Council Directive 2000/78/EC⁽¹⁾ of 27 November 2000 preclude the provision in Article 5(9) of Decree-Law No 95 of 6 July 2012 (converted, with amendments, by Law No 135 of 7 August 2012, in the version of the text amended by Article 6 of Decree-Law No 90 of 24 June 2014, converted by Law No 114 of 11 August 2014), prohibiting public administrative authorities from awarding analysis and consultancy roles to individuals who are already retired public or private employees?

⁽¹⁾ 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 Conseil d’État (France) lodged on 29 October 2018 — DN v Ministre de l’Action et des Comptes publics

(Case C-672/18)

(2019/C 25/29)

Language of the case: French

Referring court

Conseil d’État

Parties to the main proceedings

Applicant: DN

Defendant: Ministre de l’Action et des Comptes publics

Questions referred

1. Must the provisions of Article 8 of the Directive of 19 October 2009 ⁽¹⁾ be interpreted as precluding different bases of assessment and rate rules being used to tax the capital gain arising on a transfer of securities received in exchange and the deferred capital gain?
2. Must those provisions be interpreted in particular as precluding a situation in which reductions of the basis of assessment intended to take into account the period for which securities have been held do not apply to the deferred capital gain, having regard to the fact that that basis of assessment rule did not apply on the date on which the capital gain arose, but they do apply to the capital gain on a transfer of the securities received in exchange, taking into account the date of the exchange instead of the date on which the securities given in exchange were acquired?

⁽¹⁾ Council Directive 2009/133/EC of 19 October 2009 on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different Member States and to the transfer of the registered office of an SE or SCE between Member States (OJ 2009 L 310, p. 34).

Request for a preliminary ruling from the Cour d'appel de Paris (France) lodged on 30 October 2018 — Santen SAS v Directeur général de l'Institut national de la propriété industrielle

(Case C-673/18)

(2019/C 25/30)

Language of the case: French

Referring court

Cour d'appel de Paris

Parties to the main proceedings

Applicant: Santen SAS

Defendant: Directeur général de l'Institut national de la propriété industrielle

Questions referred

1. Must the concept of a 'different application' within the meaning of the judgment of 19 July 2012, *Neurim* (C-130/11, EU:C:2012:489), be interpreted strictly, that is to say:

- as limited only to the situation where an application for human use follows a veterinary application;
- or as relating to an indication within a new therapeutic scope, in the sense of a new proprietary medical product, compared with the earlier marketing authorisation, or a medicinal product in which the active ingredient acts differently from how it acts in the medicinal product to which the first marketing authorisation related;
- or more generally, in the light of the objectives of Regulation (EC) No 469/2009 ⁽¹⁾ of establishing a balanced system taking into account all the interests at stake, including those of public health, must the concept of a 'new therapeutic use' be assessed according to stricter criteria than those for assessing the patentability of the invention;

or must it on the other hand be interpreted broadly, that is to say, as including not only different therapeutic indications and diseases, but also different formulations, posologies and/or means of administration?