5. Does the situation where a patient travels to another Member State having obtained a specific appointment for a medical examination and a provisional appointment for possible surgery or medical intervention on the day following the examination and, given the state of the patient's health, the surgery or intervention is actually performed, come within the scope of Article 20(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems? Is it possible, in that case, to apply for subsequent authorisation for reimbursement of the costs under Article 20(1)?

6. Is the situation where a patient travels to another Member State having obtained a specific appointment for a medical examination and a provisional appointment for possible surgery or medical intervention on the day following the examination and, given the state of the patient's health, the surgery or intervention is actually performed, covered by the concept of scheduled treatment within the meaning of Article 26 of Regulation (EC) No 987/2009 ([3]) of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems? If so, is it possible, under Article 26, to apply for subsequent authorisation for reimbursement of the costs? In the case of an urgent vitally necessary treatment, referred to in Article 26(3), does the regulation also require prior authorisation in terms of Article 26(1)?

([1]) OJ 2011 L 88, p. 45.

([2]) OJ 2004 L 166, p. 1.

([3]) OJ 2009 L 284, p. 1.

Request for a preliminary ruling from the Fővárosi Törvényszék (Hungary) lodged on 20 December 2018 — Telenor Magyarország Zrt. v Nemzeti Média- és Hírközlési Hatóság Elnöke

(Case C-807/18)

(2019/C 139/22)

Language of the case: Hungarian

Referring court

Fővárosi Törvényszék

Parties to the main proceedings

Applicant: Telenor Magyarország Zrt.

Defendant: Nemzeti Média- és Hírközlési Hatóság Elnöke

Questions referred

1. Must a commercial agreement between a provider of internet access services and an end user under which the service provider charges the end user a zero-cost tariff for certain applications (that is to say, the traffic generated by a given application is not taken into account for the purposes of data usage and does not slow down once the contracted data volume has been used), and under which that provider engages in discrimination which is confined to the terms of the commercial agreement concluded with the end consumer and is directed only against the end user party to that agreement and not against any end user not a party to it, be interpreted in the light of Article 3(2) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 ([1]) laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (?the Regulation')?

2. If the first question referred is answered in the negative, must Article 3(3) of the Regulation be interpreted as meaning that — having regard also to recital 7 of the Regulation — an assessment of whether there is an infringement requires an impact- and market-based evaluation which determines whether and to what extent the measures adopted by the internet access services provider do actually limit the rights which Article 3(1) of the Regulation confers on the end user?

3. Notwithstanding the first and second questions referred for a preliminary ruling, must Article 3(3) of the Regulation be interpreted as meaning that the prohibition laid down therein is a general and objective one, so that it prohibits any traffic management measure which distinguishes between certain forms of internet content, regardless of whether the internet access services provider draws those distinctions by means of an agreement, a commercial practice or some other form of conduct?

4. If the third question is answered in the affirmative, can an infringement of Article 3(3) of the Regulation also be found to exist solely on the basis that there is discrimination, without the further need for a market and impact evaluation, so that an evaluation under Article 3(1) and (2) of the Regulation is unnecessary in such circumstances?

([1]) OJ 2015 L 310, p. 1.

Request for a preliminary ruling from the Tribunal Superior de Justicia de Canarias (Spain) lodged on 21 December 2018 — KA v Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social (TGSS)

(Case C-811/18)

(2019/C 139/23)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Canarias

Parties to the main proceedings

Appellant: KA

Respondents: Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social (TGSS)

Questions referred

1. Must Article 157 TFEU be interpreted as meaning that a 'maternity supplement' applicable to contributory retirement, survivor's and permanent incapacity pensions, such as that at issue in the main proceedings, entitlement to which in the case of fathers in receipt of a pension who are able to prove that they have assumed the task of bringing up their children is absolutely and unconditionally excluded, is a cause of discrimination as regards remuneration between working mothers and working fathers?

2. Is the prohibition of discrimination on grounds of sex laid down in Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security ([1]) to be interpreted as precluding a national provision such as Article 60 of Royal Legislative Decree 8/2015 approving the consolidated text of the General Law on Social Security (Real Decreto legislativo 8/2015 por el que se aprueba el texto refundido de la Ley General de la Seguridad Social) of 30 October 2015, which absolutely and unconditionally excludes fathers in receipt of a pension, who are able to prove that they have assumed the task of bringing up their children, from entitlement to the credit it establishes for the purposes of calculating retirement, survivor's and permanent incapacity pensions?