

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 11 November 2021 — Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau

(Case C-681/21)

(2022/C 84/32)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Authority bringing the appeal on a point of law: Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau, represented by the Finanzprokuratur (body providing legal advice to the Austrian Government)

Interested party: B

Question referred

Are Article 2(1) and 2(2)(a) and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation⁽¹⁾ and the principles of legal certainty, maintenance of established rights and effectiveness of EU law to be interpreted as precluding national legislation — such as that at issue in the main proceedings — under which a previously advantaged category of civil servants is retroactively no longer entitled to pension benefits accruing on the basis of a pension adjustment, and which, in that way (retroactive removal of the previously advantaged category by now placing it on an equal footing with the previously disadvantaged category), has the effect that the previously disadvantaged category of civil servants is also not/no longer entitled to pension benefits accruing on the basis of the pension adjustment to which the latter category would have been entitled because of discrimination on grounds of age which has already been (on several occasions) judicially established — as a result of the non-application of a national provision which is contrary to EU law for the purpose of establishing equal treatment with the previously advantaged category?

⁽¹⁾ OJ 2000 L 303, p. 16.

Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on 11 November 2021 — ‘HSC Baltic’ UAB, ‘Mitnija’ UAB, ‘Montuotojas’ UAB v Vilniaus miesto savivaldybės administracija

(Case C-682/21)

(2022/C 84/33)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Appellants in cassation: ‘HSC Baltic’ UAB

‘Mitnija’ UAB

‘Montuotojas’ UAB

Other parties to the proceedings in cassation: Vilniaus miesto savivaldybės administracija

Bankrutuojanti UAB ‘Active Construction Management’

‘Vilniaus vystymo kompanija’ UAB

Questions referred

1. Are Article 18(1) and Article 57(4)(g) and (6) of Directive 2014/24⁽¹⁾ and the fourth subparagraph of Article 1(1) and Article 1(3) of Directive 89/665⁽²⁾ (together or separately, but without limitation to those provisions) to be interpreted as meaning that a decision of a contracting authority to enter the economic operator concerned on the list of unreliable suppliers and thus restrict for a certain period its ability to participate in procurement procedures announced subsequently on the ground that that economic operator has substantially breached a contract concluded with that contracting authority is a measure which may be challenged before a court?