

Request for a preliminary ruling from the Conseil d'État (France) lodged on 22 October 2013 — Les Laboratoires Servier SA v Ministre des affaires sociales et de la santé, Ministre de l'Économie et des Finances

(Case C-691/13)

(2014/C 85/28)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Les Laboratoires Servier SA

Defendants: Ministre des affaires sociales et de la santé, Ministre de l'Économie et des Finances

Question referred

Does Article 6(2) of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems⁽¹⁾ require that reasons be stated for decisions as to inclusion or re-inclusion in the list of medicinal products eligible for reimbursement by the health insurance funds which — by limiting, in comparison with the application made, the therapeutic indications giving rise to eligibility for reimbursement, or by making that reimbursement subject to conditions relating to, inter alia, the qualifications of the prescribing doctors, the organisation of care or the follow-up of patients, or in any other way — make the reimbursement by the health insurance funds available to only some of the patients liable to benefit from the medicinal product or only in certain circumstances?

⁽¹⁾ OJ 1989 L 40, p. 8.

Request for a preliminary ruling from the Finanzgericht Hamburg (Germany) lodged on 7 January 2014 — Kernkraftwerke Lippe-Ems GmbH v Hauptzollamt Osnabrück

(Case C-5/14)

(2014/C 85/29)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Kernkraftwerke Lippe-Ems GmbH

Defendant: Hauptzollamt Osnabrück

Questions referred

1. Does the second sentence, in conjunction with the first sentence, [b], of Article 267 of the Treaty on the Functioning of the European Union (TFEU) justify a court of a Member State in referring to the Court of Justice of the European Union questions on the interpretation of EU law which have been put to the national court in connection with the legality of a national law, even if the national court not only has doubts concerning the legality of the national law under EU law, but is also certain that the national law is inconsistent with the national Constitution and therefore, in a parallel case, the national court has already sought a decision from the Constitutional Court which, under national law, alone has jurisdiction to decide on the constitutionality of laws, but the Constitutional Court has not yet given a decision?

If question 1 is answered in the affirmative:

2. Do Directives 2008/118/EC⁽¹⁾ and 2003/96/EC,⁽²⁾ which were adopted for the harmonization of excise duty and for energy products and electricity in the Union, preclude the introduction of a national duty which is levied on nuclear fuels used for the commercial production of electricity? Does this depend on whether the national duty can be expected to be passed on to consumers by means of the electricity price and, if appropriate, what is meant by 'passed on'?
3. Can an undertaking resist a duty which a Member State imposes in order to raise revenue on the use of nuclear fuels for the commercial production of electricity, by objecting that the levying of the duty constitutes aid contrary to EU law under article 107 TFEU?

If the answer to the previous question is in the affirmative:

Does the German Kernbrennstoffsteuergesetz (Law on excise duty on nuclear fuel, under which a tax for raising revenue is imposed only on undertakings which produce electricity commercially by using nuclear fuels, constitute a State aid within the meaning of Article 107 TFEU? What circumstances are to be taken into account in considering whether other undertakings which are not taxed in the same way are in a similar factual and legal situation?

4. Is the levying of the German nuclear fuel duty inconsistent with the provisions of the Treaty establishing the European Atomic Energy Community (EURATOM)?

- (¹) Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ 2009 L 9, p. 12).
 (²) Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (Text with EEA relevance) (OJ 2003 L 283, p. 51).

Request for a preliminary ruling from the Conseil d'État (France) lodged on 20 January 2014 — Union des syndicats de l'immobilier (UNIS) v Ministre du travail, de l'emploi, de la formation professionnelle et du dialogue social, Syndicat national des résidences de tourisme (SNRT) and Others

(Case C-25/14)

(2014/C 85/30)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Union des syndicats de l'immobilier (UNIS)

Defendants: Ministre du travail, de l'emploi, de la formation professionnelle et du dialogue social, Syndicat national des résidences de tourisme (SNRT) and Others

Question referred

Is compliance with the obligation of transparency flowing from Article 56 TFEU a mandatory prior condition for the extension, by a Member State, to all undertakings within a sector, of a collective agreement under which a single operator, chosen by the social partners, is entrusted with the management of a compulsory supplementary social security scheme for employees?

Request for a preliminary ruling from the Conseil d'État (France) lodged on 20 January 2014 — Beaudout Père et Fils SARL v Ministre du travail, de l'emploi, de la formation professionnelle et du dialogue social, Confédération nationale de la boulangerie et boulangerie-pâtisserie française, Fédération Générale Agroalimentaire — CFDT and Others

(Case C-26/14)

(2014/C 85/31)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Beaudout Père et Fils SARL

Defendants: Ministre du travail, de l'emploi, de la formation professionnelle et du dialogue social, Confédération nationale de la boulangerie et boulangerie-pâtisserie française, Fédération Générale Agroalimentaire — CFDT and Others

Question referred

Is compliance with the obligation of transparency flowing from Article 56 TFEU a mandatory prior condition for the extension, by a Member State, to all undertakings within a sector, of a collective agreement under which a single operator, chosen by the social partners, is entrusted with the management of a compulsory supplementary social security scheme for employees?

Action brought on 21 January 2014 — European Commission v Republic of Poland

(Case C-29/14)

(2014/C 85/32)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: C. Gheorghiu and M. Owsiany-Hornung, Agents)

Defendant: Republic of Poland

Form of order sought

The Commission claims that the Court should:

— declare that the Republic of Poland has failed to fulfil its obligations under Article 31 of Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation,