

*Defendants:* F. van den Berg (C-95/18), H.D. Giesen (C-95/18), C.E. Franzen (C-96/18)

### Operative part of the judgment

1. Articles 45 and 48 TFEU must be interpreted as not precluding a law of a Member State under which a migrant worker residing in the territory of that Member State, who is subject to the social security legislation of the Member State of employment under Article 13 of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, in its version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006, is not insured for the purposes of the social security scheme of that Member State of residence, despite the fact that the legislation of the Member State of employment does not confer on that worker any entitlement to an old-age pension or child benefit;
2. Article 13 of Regulation No 1408/71, in its version amended and updated by Regulation No 118/97, as amended by Regulation No 1992/2006, must be interpreted as precluding a Member State on whose territory a migrant worker resides and which is not competent under that article, from making an entitlement to an old-age pension conditional on that migrant worker having insurance that entails payment of mandatory contributions.

(<sup>1</sup>) OJ C 161, 7.5.2018.

**Judgment of the Court (Fifth Chamber) of 18 September 2019 (request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság — Hungary) — VIPA Kereskedelmi és Szolgáltató Kft. v Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet**

(Case C-222/18) (<sup>1</sup>)

*(Reference for a preliminary ruling — Cross-border healthcare — Directive 2011/24/EU — Articles 3(k) and 11(1) — Prescription — Definition — Recognition of a prescription issued in another Member State by an authorised person — Conditions — Free movement of goods — Prohibition of measures having equivalent effect to quantitative restrictions on exports — Articles 35 and 36 TFEU — Restriction on the dispensing by a pharmacy of prescription-only medicinal products — Order form issued in another Member State — Justification — Protection of human health and human life — Directive 2001/83/EC — Second paragraph of Article 81 — Supply of medicinal products to the public of a Member State)*

(2019/C 399/12)

*Language of the case: Hungarian*

### Referring court

Fővárosi Közigazgatási és Munkaügyi Bíróság

### Parties to the main proceedings

*Applicant:* VIPA Kereskedelmi és Szolgáltató Kft.

*Defendant:* Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet

### Operative part of the judgment

Article 3(k) and Article 11(1) of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare must be interpreted as not precluding legislation of a Member State under which it is not permissible for a pharmacy in that Member State to dispense prescription-only medicinal products on the basis of an order form where that order form has been issued by a healthcare professional authorised to prescribe medicinal products and to exercise his activity in another Member State, whereas such dispensing of those products is permitted where that order form has been issued by a healthcare professional authorised to exercise his activity in the first Member State, bearing in mind that, under that legislation, such order forms do not contain the name of the patient concerned.

Articles 35 and 36 TFEU must be interpreted as not precluding such legislation of a Member State, in so far as that legislation is justified by the objective of protecting human health and human life, is appropriate for securing the attainment of that objective and does not go beyond what is necessary to attain it, which is for the national court to determine.

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(<sup>1</sup>) OJ C 221 25.06.2018.

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**Judgment of the Court (Fourth Chamber) of 19 September 2019 (request for a preliminary ruling from the  
Rechtbank Noord-Holland — Netherlands) — Trace Sport v Inspecteur van de  
Belastingdienst/Douane, kantoor Eindhoven**

(Case C-251/18) (<sup>1</sup>)

*(Reference for a preliminary ruling — Commercial policy — Anti-dumping duties — Imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia — Extension to those countries of the definitive anti-dumping duty imposed on imports of bicycles originating in China — Implementing Regulation (EU) No 501/2013 — Validity — Admissibility — No action for annulment brought by the applicant in the main proceedings — Associated importer — Standing to bring an action for annulment — Regulation (EC) No 1225/2009 — Article 13 — Circumvention — Article 18 — Non-cooperation — Proof — Body of evidence)*

(2019/C 399/13)

Language of the case: Dutch

### Referring court

Rechtbank Noord-Holland

### Parties to the main proceedings

Applicant: Trace Sport

Defendant: Inspecteur van de Belastingdienst/Douane, kantoor Eindhoven