

**Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Hungary)  
lodged on 11 December 2018 — WO v Vas Megyei Kormányhivatal**

**(Case C-777/18)**

(2019/C 139/21)

*Language of the case: Hungarian*

**Referring court**

Szombathelyi Közigazgatási és Munkaügyi Bíróság

**Parties to the main proceedings**

*Applicant:* WO

*Defendant:* Vas Megyei Kormányhivatal

**Questions referred**

1. Does national legislation, such as that at issue in the main proceedings, which, as regards the reimbursement of the costs of cross-border healthcare, precludes the healthcare provided in another Member State without prior authorisation from being subsequently authorised, even when there is a genuine risk that the patient's state of health may irreversibly deteriorate while waiting for that prior authorisation, amount to a restriction contrary to Article 56 of the Treaty on the Functioning of the European Union (TFEU)?
2. Does a Member State's authorisation system which, as regards the reimbursement of the costs of cross-border healthcare, precludes subsequent authorisation, even when there is a genuine risk that the patient's state of health will irreversibly deteriorate while waiting for prior authorisation, comply with the principles of necessity and proportionality set out in Article 8(1) of Directive 2011/24/EU <sup>(1)</sup> of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare and with the principle of the free movement of patients?
3. Does national legislation which, regardless of the state of health of the patient submitting the request, establishes a procedural time limit of 31 days within which the competent authority may grant prior authorisation and of 23 days within which it may refuse authorisation, comply with the requirement to set a reasonable procedural period taking into account specific medical conditions, urgency and individual circumstances, laid down in Article 9(3) 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? The authority may assess, in respect of the request, whether the provision of healthcare is covered by social security and, if so, whether it may be delivered, within a time limit that is medically justifiable, by a publicly-funded healthcare provider, whereas if it is not covered by social security, the authority assesses the quality, safety and cost effectiveness of the healthcare delivered by the provider indicated by the patient.
4. Must Article 20(1) of Regulation (EC) No 883/2004 <sup>(2)</sup> of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems be interpreted as meaning that the reimbursement of cross-border healthcare costs may only be requested if the patient has applied for prior authorisation to the competent authority? Or does Article 20(1) not in itself in such a case preclude applying for subsequent authorisation for reimbursement of the costs?

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 <sup>(1)</sup> 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)?

---

<sup>(1)</sup> OJ 2011 L 88, p. 45.

<sup>(2)</sup> OJ 2004 L 166, p. 1.

<sup>(3)</sup> 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 <sup>(1)</sup> 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’)?