

Judgment of the Court (Fifth Chamber) of 26 September 2019 (request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia — Italy) — Vitali SpA v Autostrade per l'Italia SpA

(Case C-63/18) ⁽¹⁾

(Reference for a preliminary ruling — Articles 49 and 56 TFEU — Public procurement — Directive 2014/24/EU — Article 71 — Subcontracting — National legislation limiting the possibility of subcontracting to 30 % of the total amount of the contract)

(2019/C 399/10)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Lombardia

Parties to the main proceedings

Applicant: Vitali SpA

Defendant: Autostrade per l'Italia SpA

Operative part of the judgment

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, as amended by Commission Delegated Regulation (EU) 2015/2170 of 24 November 2015, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which limits to 30 % the share of the contract which the tenderer is permitted to subcontract to third parties.

⁽¹⁾ OJ C 166, 14.5.2018

Judgment of the Court (Fourth Chamber) of 19 September 2019 (requests for a preliminary ruling from the Hoge Raad der Nederlanden — the Netherlands) — Sociale Verzekeringsbank v F. van den Berg (C-95/18), H.D. Giesen (C-95/18), C.E. Franzen (C-96/18)

(Joined Cases C-95/18 and C 96/18) ⁽¹⁾

(References for a preliminary ruling — Social security for migrant workers — Regulation (EEC) No 1408/71 — Article 13 — Applicable law — Resident of a Member State falling within the scope of Regulation (EEC) No 1408/71 — Allowances under the old-age pension or child benefit schemes — Member State of residence and Member State of employment — Refusal)

(2019/C 399/11)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Sociale Verzekeringsbank

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.

⁽¹⁾ 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) ⁽¹⁾

(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