

Operative part of the judgment

Article 48(2) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004, requires the competent institution of the last Member State in which a worker who is a national of a Member State resided to take into account, in calculating the old age pension of that worker, who, when he submits his pension claim, is resident in a non-Member State, of the periods worked in another Member State under the same conditions as if that worker still resided in the European Community.

(¹) OJ C 281, 18.11.2006.

Judgment of the Court (Second Chamber) of 3 April 2008 (reference for a preliminary ruling from the Oberlandesgericht Celle (Germany)) — Dirk Ruffert, in his capacity as liquidator of the assets of Objekt und Bauregie GmbH & Co. KG v Land Niedersachsen

(Case C-346/06) (¹)

(Article 49 EC — Freedom to provide services — Restrictions — Directive 96/71/EC — Posting of workers in the context of the provision of services — Procedures for the award of public works contracts — Social protection of workers)

(2008/C 128/13)

Language of the case: German

Referring court

Oberlandesgericht Celle

Parties to the main proceedings

Applicant: Dirk Ruffert, in his capacity as liquidator of the assets of Objekt und Bauregie GmbH & Co. KG

Defendant: Land Niedersachsen

Re:

Preliminary reference — Oberlandesgericht Celle (Germany) — Interpretation of Article 49 EC — National legislation requiring undertakings involved in the tendering procedure for public-works contracts to give a commitment that they will comply

with, and ensure compliance by their subcontractors with, the provisions on minimum pay prescribed by the collective agreement in force at the place where the services in question are to be provided.

Operative part of the judgment

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, interpreted in the light of Article 49 EC, precludes an authority of a Member State, in a situation such as that at issue in the main proceedings, from adopting a measure of a legislative nature requiring the contracting authority to designate as contractors for public works contracts only those undertakings which, when submitting their tenders, agree in writing to pay their employees, in return for performance of the services concerned, at least the remuneration prescribed by the collective agreement the minimum wage in force at the place where those services are performed.

(¹) OJ C 294, 2.12.2006.

Judgment of the Court (Fourth Chamber) of 10 April 2008 (reference for a preliminary ruling from the Vergabekontrollsenat des Landes Wien, Austria) — Ing. Aigner, Wasser-Wärme-Umwelt GmbH v Fernwärme Wien GmbH

(Case C-393/06) (¹)

(Public contracts — Directives 2004/17/EC and 2004/18/EC — Contracting entity pursuing activities falling in part within the field of application of Directive 2004/17/EC and in part within that of Directive 2004/18/EC — Body governed by public law — Contracting authority)

(2008/C 128/14)

Language of the case: German

Referring court

Vergabekontrollsenat des Landes Wien

Parties to the main proceedings

Applicant: Ing. Aigner, Wasser-Wärme-Umwelt GmbH

Defendant: Fernwärme Wien GmbH