

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 3 March 2011 in Case T-387/07;
2. Annuls Commission Decision C(2007) 3772 of 31 July 2007 reducing the final assistance granted by the European Regional Development Fund (ERDF) towards the global grant for local development in Portugal pursuant to Commission Decision C(95) 1769 of 28 July 1995;
3. Orders the European Commission to pay the costs at first instance and on appeal.

(¹) OJ C 219, 23.7.2011.

Judgment of the Court (First Chamber) of 21 February 2013 (request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia — Spain) — Concepción Salgado González v Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS)

(Case C-282/11) (¹)

(Article 48 TFEU — Social security for migrant workers — Regulation (EEC) Nos 1408/71 and (EC) No 883/2004 — Old-age and survivor's insurance — Special provisions for the application of national legislation relating to old-age pensions — Calculation of benefits)

(2013/C 114/14)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Galicia

Parties to the main proceedings

Applicant: Concepción Salgado González

Defendants: Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS)

Re:

Request for a preliminary ruling — Tribunal Superior de Justicia de Galicia — Interpretation of Article 48 TFEU, of Article 3 of and of Heading D (now letter g), Paragraph 4 of Annex VI to

Council Regulation No 1408/71/EEC of 14 June on the application of social security schemes to employed persons, to self-employed persons and their families moving within the European Union (OJ English Special Edition 1971 (II), p. 416) and of Article 87(5) of and of paragraph 2(a) of Annex XI to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1) — Insurance relating to old age and death — Special provisions for the application of national legislation relating to old age insurance — Calculation of benefits — National legislation determining the benefit on the basis of an average contribution basis during a reference period of 15 years.

Operative part of the judgment

Article 48 TFEU, Articles 3, 46(2)(a) and 47(1)(a) 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, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, and as amended by Regulation (EC) No 629/2006 of the European Parliament and of the Council of 5 April 2006, and Heading H, paragraph 4, of Annex VI to that regulation, must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, under which the theoretical amount of the retirement pension of a self-employed worker, migrant or non-migrant, is invariably calculated on contribution bases paid by that worker over a fixed reference period preceding the payment of his last contribution in that Member State, to which a fixed divisor is applied, when it is impossible for either the duration of that period or the divisor to be adapted so as to take account of the fact that the worker concerned has exercised his right to freedom of movement.

(¹) OJ C 269, 10.9.2011.

Judgment of the Court (First Chamber) of 21 February 2013 (request for a preliminary ruling from the Hof van Cassatie van België — Belgium) — ProRail NV v Xpedys NV, DB Schenker Rail Nederland NV, Nationale Maatschappij der Belgische Spoorwegen NV, FAG Kugelfischer GmbH,

(Case C-332/11) (¹)

(Regulation (EC) No 1206/2001 — Cooperation in the taking of evidence in civil and commercial matters — Direct taking of evidence — Designation of an expert — Task carried out partly in the Member State of the referring court and partly in another Member State)

(2013/C 114/15)

Language of the case: Dutch

Referring court

Hof van Cassatie van België