

In the third place, collection procedures have, for the most part, been blocked from the entry into force of Law 33/2009 to date, due to the absence of implementing provisions or contractual agreements between the authorities and the bodies involved which are necessary for the resumption of those procedures.

In the fourth place, it is apparent to the Commission that, as a result of methodological errors on the part of the authorities responsible for recovery, sums that are recoverable have been regarded, incorrectly, as not recoverable, thus giving rise to further failings in the effectiveness of the collection of the additional levy.

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- (<sup>1</sup>) Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector (OJ 1992 L 405, p. 1).
- (<sup>2</sup>) Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector (OJ 2003 L 270, p. 123).
- (<sup>3</sup>) Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ 2007 L 299, p. 1).
- (<sup>4</sup>) Commission Regulation (EEC) No 536/93 of 9 March 1993 laying down detailed rules on the application of the additional levy on milk and milk products (OJ 1993 L 57, p. 12).
- (<sup>5</sup>) Commission Regulation (EC) No 1392/2001 of 9 July 2001 laying down detailed rules for applying Council Regulation (EEC) No 3950/92 establishing an additional levy on milk and milk products (OJ 2001 L 187, p. 19).
- (<sup>6</sup>) Commission Regulation (EC) No 595/2004 of 30 March 2004 laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector (OJ 2004 L 94, p. 22).

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**Reference for a preliminary ruling from The Labour Court, Ireland (Ireland) made on 13 August 2015  
— Dr David L. Parris v Trinity College Dublin, Higher Education Authority, Department of Public  
Expenditure and Reform, Department of Education and Skills**

(Case C-443/15)

(2015/C 354/26)

*Language of the case: English*

**Referring court**

The Labour Court, Ireland

**Parties to the main proceedings**

*Applicant:* Dr David L. Parris

*Defendants:* Trinity College Dublin, Higher Education Authority, Department of Public Expenditure and Reform, Department of Education and Skills

**Questions referred**

1. Does it constitute discrimination on grounds of sexual orientation, contrary to Article 2 of Directive 2000/78/EC (<sup>1</sup>), to apply a rule in an occupational benefit scheme limiting the payment of a survivor's benefit to the surviving civil partner of a member of the scheme on their death, by a requirement that the member and his surviving civil partner entered their civil partnership prior to the member's 60th birthday in circumstances where they were not permitted by national law to enter a civil partnership until after the member's 60th birthday and where the member and his civil partner had formed a committed life partnership before that date.

If the answer to Question 1 is in the negative,

2. Does it constitute discrimination on grounds of age, contrary to Article 2, in conjunction with Article 6(2) of Directive 2000/78/EC, for a provider of benefits under an occupational benefit scheme to limit an entitlement to a survivor's pension to the surviving civil partner of a member of the scheme on the member's death, by a requirement that the member and his civil partner entered their civil partnership before the member's 60th birthday where

- (a) The stipulation as to the age at which a member must have entered into a civil partnership is not a criterion used in actuarial calculations, and
- (b) The member and his civil partner were not permitted by national law to enter a civil partnership until after the member's 60th birthday and where the member and his civil partner had formed a committed life partnership before that date

If the answer to questions 2 is in the negative:

3. Would it constitute discrimination contrary to Article 2 in conjunction with Article 6(2) of Directive 2000/78/EC if the limitations on entitlements under an occupational benefit scheme described in either question 1 or question 2 arose from the combined effect of the age and sexual orientation of a member of the scheme?

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<sup>(1)</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation OJ L 303, p. 16.

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**Reference for a preliminary ruling from High Court of Justice, Queen's Bench Division  
(Administrative Court) (United Kingdom) made on 17 August 2015 — The Queen on the application  
of Nutricia Limited v Secretary of State for Health**

(Case C-445/15)

(2015/C 354/27)

*Language of the case: English*

**Referring court**

High Court of Justice, Queen's Bench Division (Administrative Court)

**Parties to the main proceedings**

*Applicant:* Nutricia Limited

*Defendant:* Secretary of State for Health

**Questions referred**

1. In order for a product to be a dietary food for special medical purposes ('FSMP') within the definition set out in Article 1 (2)(b) of Commission Directive 1999/21/EC on dietary foods for special medical purposes <sup>(1)</sup>:
  - a. Must it be the case, objectively, that:
    - (i) all patients suffering from the particular disease, disorder or other medical condition for the dietary management of which the product is marketed ('the Indicated Condition') or
    - (ii) a subgroup of such patients

have a limited, impaired or disturbed capacity to take, digest, absorb, metabolise or excrete ordinary foodstuffs or certain nutrients contained therein or metabolites, or other medically-determined nutrient requirements that arise as a result of the Indicated Condition? Or