

Form of order sought

The Commission claims that the Court should:

- Declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Article 3(3) of Directive 2009/73/EC ⁽¹⁾ of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC and with the second subparagraph of point 1(a) and points 1(b), (d), (f), (h) and (i) of Annex I to that directive, or in any event by failing to notify the Commission of the adoption of those measures, the Republic of Bulgaria has failed to fulfil its obligations under Article 54(1) of that directive;
- Order the Republic of Bulgaria, under Article 260(3) TFEU, to pay a penalty payment in the amount of EUR 8 448 per day as of the day of delivery of the judgment in the present case, for infringement of the duty to notify the Commission of the measures adopted to comply with Directive 2009/73/EC;
- Order the Republic of Bulgaria to pay the costs.

Pleas in law and main arguments

The period for the adoption of measures to comply with the Directive expired on 3 March 2011.

⁽¹⁾ OJ 2009 L 211, p. 94.

Reference for a preliminary ruling from High Court of Ireland (Ireland) made on 13 May 2013 — Peter Flood v Health Service Executive

(Case C-255/13)

(2013/C 189/27)

Language of the case: English

Referring court

High Court of Ireland

Parties to the main proceedings

Applicant: Peter Flood

Defendant: Health Service Executive

Question referred

Is an insured citizen of a Member State ('the First Member State') who has been gravely ill for eleven years as a result of a serious medical condition which first manifested itself while

that person was resident in the First Member State but was on holidays in another Member State ('the Second Member State') to be regarded as 'staying' in that Second Member State for that period for the purpose of either Article 19(1) or, alternatively, Article 20(1) and Article 20(2) of Regulation No 883/2004 ⁽¹⁾ where the person in question has been effectively compelled by reason of his acute medical illness and the convenient proximity to specialist medical care physically to remain in that Member State for that period?

⁽¹⁾ 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 L 166, p. 1

Request for a preliminary ruling from the Verwaltungsgerichts Sigmaringen (Germany) lodged on 13 May 2013 — Sevda Aykul v Land Baden-Württemberg

(Case C-260/13)

(2013/C 189/28)

Language of the case: German

Referring court

Verwaltungsgerichts Sigmaringen

Parties to the main proceedings

Applicant: Sevda Aykul

Defendant: Land Baden-Württemberg

Questions referred

1. Does the obligation concerning the mutual recognition of driving licences issued by Member States which is laid down in Article 2(1) of Directive 2006/126/EC preclude national legislation of the Federal Republic of Germany under which the right to use a foreign driving licence in Germany must be revoked *ex post facto* by the administrative authorities if the holder of the foreign driving licence drives a motor vehicle on that licence in Germany while under the influence of illegal drugs and thereafter under the relevant German provisions is no longer fit to drive?
2. If the answer to question 1 is in the affirmative, is this also the case where the issuing State is aware of the person in question driving while under the influence of drugs but takes no action and the risk represented by the holder of the foreign driving licence therefore persists?

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3. If the answer to question 1 is in the negative, can the Federal Republic of Germany make reinstatement of the right to use a foreign driving licence in Germany subject to compliance with the national conditions applicable to such reinstatement?
4. (a) Can the reservation with respect to observance of the principle of territoriality of criminal and police laws laid down in Article 11(2) of Directive 2006/126/EC justify action under its driving licence legislation by a Member State other than the issuing State? For example, does that reservation allow the right to use a foreign driving licence in Germany to be revoked *ex post facto* by means of a preventive measure under criminal law?
- (b) If the answer to question 4(a) is in the affirmative, does the competence to reinstate the right to use the foreign driving licence in Germany, taking into account the obligation of recognition, lie with the Member State which imposed the preventive measure or with the issuing State?
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