

- 2) If so, does the task to be performed by the national court under Article 108(3) TFEU preclude the taxable person from being granted a tax advantage which that taxable person claims under Article 56 of the EC Treaty (now: Article 63 TFEU), or should a proposed judicial decision to grant that advantage be notified to the Commission, or should the national court take any other action or implement any other measure, in view of the supervisory task assigned to it under Article 108(3) TFEU?

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**Request for a preliminary ruling from the Amtsgericht Hamburg (Germany) lodged on 18 October 2017 — Dirk Harms and Others v Vueling Airlines SA**

(Case C-601/17)

(2018/C 022/31)

*Language of the case: German*

**Referring court**

Amtsgericht Hamburg

**Parties to the main proceedings**

*Applicants:* Dirk Harms, Ann-Kathrin Harms, Nick-Julius Harms, Tom-Lukas Harms, Lilly-Karlotta Harms, Emma-Matilda Harms, the latter four represented by their parents Dirk Harms und Ann-Kathrin Harms

*Defendant:* Vueling Airlines SA

**Question referred**

Must the concept of ‘reimbursement ... by the means provided for in Article 7(3), of the full cost of the ticket at the price at which it was bought’ in accordance with Article 8(1)(a) of Regulation No 261/2004<sup>(1)</sup> be interpreted as referring to the amount paid by the passenger for the ticket in question, or is it the amount which the defendant air carrier has actually received, where an intermediary undertaking is involved in the booking process and collects the difference between what the passenger pays and what the air carrier receives without disclosing this?

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<sup>(1)</sup> Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ 2004 L 46, p. 1.

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**Request for a preliminary ruling from the Varhoven kasatsionen sad (Bulgaria) lodged on 23 October 2017 — PM v AH**

(Case C-604/17)

(2018/C 022/32)

*Language of the case: Bulgarian*

**Referring court**

Varhoven kasatsionen sad

**Parties to the main proceedings**

*Appellant:* PM

*Respondent:* AH

**Question referred**

Does Regulation (EC) No 2201/2003<sup>(1)</sup> permit the examination of cases concerning parental responsibility, where the conditions laid down in Articles 8 and 12 of that regulation have not been fulfilled, by a court of a Member State which has jurisdiction to examine the divorce case under Article 3 of the regulation, where the national legislation of that Member State requires the court to rule *ex officio* on the exercise of parental rights, measures concerning access, maintenance and use of the marital home, at the same time as the divorce application?

<sup>(1)</sup> Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003 L 338, p. 1).

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**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 20 October 2017 —  
IBA Molecular Italy Srl v Azienda ULSS n. 3 and Others**

(Case C-606/17)

(2018/C 022/33)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicant:* IBA Molecular Italy Srl

*Defendants:* Azienda ULSS n. 3, Regione Veneto, Ministero della Salute, Ospedale dell'Angelo di Mestre

**Questions referred**

1. Do the EU rules on the award of public works contracts, public service contracts and public supply contracts, and in particular Articles 1 and 2 of Directive 2004/18/EC<sup>(1)</sup>, include within their scope complex operations whereby a public contracting authority means to award directly to a given economic operator specific-purpose funding, the sole purpose of which is the manufacture of products intended to be supplied free of charge, without any subsequent tendering procedure, to various authorities which are not required to make any payment to the supplier; and, consequently, do the abovementioned rules of EU law preclude national rules which permit the direct award of specific-purpose funding for the manufacture of products intended to be supplied free of charge, without any subsequent tendering procedure, to various authorities which are not required to make any payment to the supplier?
2. Do the EU rules on the award of public works contracts, public service contracts and public supply contracts, and in particular Articles 1 and 2 of Directive 2004/18/EC and Articles 49, 56 and 105 *et seq.* of the EU Treaty, preclude national rules which treat private 'classified' hospitals as the equivalent of public hospitals, by bringing them within the system of national public healthcare planning, governed by special agreements that are distinct from ordinary accreditation relationships with other private parties that participate in the system of provision of healthcare services, in the absence of the requirements for recognition as a body governed by public law and the requirements for direct awards in accordance with the 'in-house provision' model, and thereby take them outside the scope of national and EU rules on public contracts, including in cases where such classified hospitals are entrusted with the manufacture and supply, free of charge, to public healthcare establishments of specific products which are necessary for the provision of healthcare services and where, at the same time, they receive specific-purpose public funding for the purpose of providing such supplies?

<sup>(1)</sup> Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114).