

2. If the first question is answered in the affirmative:

Does this apply even where the employment relationship is between two private persons?

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<sup>(1)</sup> OJ 2003 L 299, p. 9.

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**Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (Spain) lodged on 2 January 2017 — Instituto Nacional de la Seguridad Social v Tesorería General de la Seguridad Social, Jesús Crespo Rey**

**(Case C-2/17)**

(2017/C 104/47)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia de Galicia

**Parties to the main proceedings**

*Appellant:* Instituto Nacional de la Seguridad Social

*Other parties:* Tesorería General de la Seguridad Social, Jesús Crespo Rey

**Questions referred**

1. Must the expression ‘the contribution basis in Spain which is closest in time to the reference periods’, referred to in Annex XI(G)(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, be interpreted as excluding those contribution bases arising from the application of Spanish domestic legislation <sup>(1)</sup> under which a migrant worker who has returned to Spain and whose actual final Spanish contributions are higher than the minimum bases may conclude an agreement maintaining the contributions in accordance only with the minimum bases, whereas, if he were a non-migrant worker, he could have concluded such an agreement on higher bases?
2. In the event of an affirmative answer to the previous question, and in accordance with Annex XI(G)(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004, do taking the last actual contributions made in Spain, duly updated, and regarding the contribution period under the agreement maintaining contributions as a neutral period or interval constitute remedies appropriate for indemnifying the damage done to the migrant worker?

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<sup>(1)</sup> OJ 2004, L 166, p. 1.

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**Request for a preliminary ruling from the Curtea de Apel Cluj (Romania) lodged on 10 January 2017 — Maria Dicu v Ministerul Justiției, Consiliul Superior al Magistraturii, Curtea de Apel Suceava, Tribunalul Botoșani**

**(Case C-12/17)**

(2017/C 104/48)

*Language of the case: Romanian*

**Referring court**

Curtea de Apel Cluj

**Parties to the main proceedings**

*Applicant:* Maria Dicu