

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Order of the Court (Eighth Chamber) of 7 March 2013 (request for a preliminary ruling from the Consiglio di Stato — Italy) — *Autorità per l'energia elettrica e il gas v Antonella Bertazzi and Others*

(Case C-393/11) ⁽¹⁾

(Article 99 of the Rules of Procedure of the Court of Justice — Social policy — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Fixed-term employment contracts in the public sector — Stabilisation procedure — Recruitment of workers employed for a fixed term as career civil servants without a public competition — Determination of length of service — Complete disregard of periods of service completed under fixed-term employment contracts — Principle of non-discrimination)

(2013/C 129/02)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedingsApplicant: *Autorità per l'energia elettrica e il gas*

Defendants: *Antonella Bertazzi, Annalise Colombo, Maria Valeria Contin, Angela Filippina Marasco, Guido Giussani, Lucia Lizzi, Fortuna Peranio*

Re:

Request for a preliminary ruling — Consiglio di Stato — Interpretation of Clause 4 of the Annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43) — National legislation under which it is possible, in derogation from the principle that public officials must be recruited by means of an open competition, for the public administrative authorities to enter into permanent work contracts with workers who have been in the employ of those authorities under fixed-term contracts — No account taken of the length of service accrued on the basis of the earlier, fixed-term contract, even where there is no interruption of the employment relationship

Operative part of the order

Clause 4 of the framework agreement on fixed-term work concluded on 18 March 1999, which is annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, must be understood as precluding national legislation, such as that at issue in the main proceedings, which completely prohibits periods of service completed by a fixed-term worker for a public authority being taken into account in order to determine the length of service of that worker upon his recruitment on a permanent basis by that same authority as a career civil servant under a stabilisation procedure specific to his employment relationship, unless the functions carried out under fixed-term employment contracts are not the equivalent of those carried out by a career civil servant belonging to the relevant category of that authority or, if not, that that prohibition is justified on 'objective grounds' for the purposes of clause 4(1) and/or (4), which it is for the referring court to determine. The mere fact that the fixed-term worker completed those periods of service on the basis of a fixed-term employment contract or relationship does not constitute such an objective ground.

⁽¹⁾ OJ C 282, 24.9.2011.

Order of the Court (Fifth Chamber) of 28 February 2013 (request for a preliminary ruling from the Augstākās tiesas Senāts — Latvia) — *SIA Forwards V v Valsts ieņēmumu dienests*

(Case C-563/11) ⁽¹⁾

(Article 99 of the Rules of Procedure — Taxation — VAT — Sixth Directive — Right to deduct — Refusal — Invoice issued by a company considered fictitious)

(2013/C 129/03)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāts

Parties to the main proceedingsApplicant: *SIA Forwards V*