

**Form of order sought**

The applicant claims that the Court should:

- declare that, by maintaining in force derogations from the measures aimed at preventing abuse of successive fixed-term contracts concluded with occasional entertainment workers, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Clause 5 of the Annex to Council Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP <sup>(1)</sup>;
- order Grand Duchy of Luxembourg to pay the costs.

**Pleas in law and main arguments**

By maintaining in force derogations from the measures aimed at preventing abuse of successive fixed-term contracts concluded with occasional entertainment workers, Luxembourg has failed to fulfil its obligations under Clause 5 of the framework agreement.

The Commission considers that, for that category of workers, Luxembourg law does not provide for any objective reason allowing for the prevention of abuse of successive fixed-term contracts, contrary to Clause 5(1)(a) of the Annex to the framework agreement in question.

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<sup>(1)</sup> OJ 1999 L 175, p. 43.

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**Request for a preliminary ruling from the Högsta förvaltningsdomstolen (Sweden) lodged on 23 May 2014 — Pensioenfonds Metaal en Technie v Skatteverket**

(Case C-252/14)

(2014/C 235/15)

*Language of the case: Swedish*

**Referring court**

Högsta förvaltningsdomstolen

**Parties to the main proceedings**

*Applicant:* Pensioenfonds Metaal en Technie

*Defendant:* Skatteverket

**Question referred**

Does Article 63 TFEU constitute an obstacle to national legislation under which dividends from a resident company are taxed at source if the shareholder is resident in another Member State, while such dividends — if paid to a resident shareholder — are subject to a tax calculated as a definitive lump sum and on a fictive yield, which, over time, is intended to correspond to the normal taxation of all yields on capital?

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**Action brought on 28 May 2014 — European Parliament v Council of the European Union**

(Case C-263/14)

(2014/C 235/16)

*Language of the case: English*

**Parties**

*Applicant:* European Parliament (represented by: R. Passos, A. Caiola, M. Allik, agents)

*Defendant:* Council of the European Union