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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Finanzgericht Baden-Württemberg (Germany) lodged on 27 June 2018 — Südzucker AG v Hauptzollamt Karlsruhe

(Case C-423/18)

(2018/C 373/02)

Language of the case: German

Referring court

Finanzgericht Baden-Württemberg

Parties to the main proceedings

Applicant: Südzucker AG

Defendant: Hauptzollamt Karlsruhe

Questions referred

1. Should the first sentence of Article 3(2) of Regulation (EC) No 967/2006 ([1]) be interpreted to mean that the time-limit stated therein also applies to the amendment of a timely notification of the levy following an amended determination of the attributable quantity of surplus sugar after the passing of the time-limit based on a check under Article 10 of Regulation (EC) No 952/2006? ([2])

2. If the answer to Question 1 is in the affirmative,

   In that case, where a timely notification is amended on the basis of findings made during checks, do the conditions established by the judgment of the Court of Justice of the European Union of 10 January 2002 in *British Sugar*, C-101/99, EU:C:2002:7, for exceeding the notification time-limit stipulated in Article 3(2) of Regulation (EEC) No 2670/81, as amended by Regulation (EEC) No 3559/91, ([3]) also apply for exceeding a notification time-limit under Article 3(2) of Regulation (EC) No 967/2006?

3. If the first sentence of Article 3(2) of Regulation (EC) No 967/2006 does not apply to amending notifications based on checks (see Question 1) or if the conditions for exceeding the time-limit are fulfilled (see Question 2), should the time-limit by which the amendment to the levy must be notified be 1 May of the following year or should national law apply?

4. If the answer to Question 3 is that neither 1 May of the following year nor national law applies:

Is it compatible with the general principles of EU law, which include the principles of proportionality, legal certainty and the protection of legitimate expectations, if, in a case such as the present, the levy for the 2007/2008 sugar marketing year was notified on 20 October 2010 or 27 October 2011 due to the time needed for checks and the time needed for preparation and evaluation of the inspection report? Is objection by the sugar producer to the determination of the surplus quantities relevant in this context?

(1) Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota (OJ 2006 L 176, p. 22).
(2) Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system (OJ 2006 L 178, p. 39).
(3) Commission Regulation (EEC) No 3559/91 of 6 December 1991 amending Regulation (EEC) No 2670/81 laying down detailed implementing rules in respect of sugar production in excess of the quota (OJ 1991 L 336, p. 26).

Request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo de Madrid (Spain) lodged on 28 June 2018 — Berta Fernández Álvarez, BMM, TGV, Natalia Fernández Olmos, María Claudia Téllez Barragán v Consejería de Sanidad de la Comunidad de Madrid

(Case C-429/18)

(2018/C 373/03)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo de Madrid

Parties to the main proceedings

Applicant: Berta Fernández Álvarez, BMM, TGV, Natalia Fernández Olmos, María Claudia Téllez Barragán

Defendant: Consejería de Sanidad de la Comunidad de Madrid

Questions referred

1. Is this court's interpretation of the Framework Agreement annexed to Directive 1999/70/EC (1) correct and is it correct to take the view that the employment of the applicants on temporary appointments constitutes abuse in so far as the public employer uses different contractual models, all of which are temporary, to ensure, on a permanent and stable basis, performance of the ordinary duties of permanent regulated staff and to cover structural defects and needs which are, in fact, not temporary but fixed and permanent? Is the type of temporary appointment described therefore not justified as an objective reason for the purposes of clause 5(1)(a) of the Framework Agreement, in that such use of fixed-term contracts conflicts directly with the second paragraph of the preamble of the Framework Agreement and with general considerations 6 and 8 of that agreement, since there are no circumstances which would justify the use of such fixed-term employment contracts?

2. Is this court's interpretation of the Framework Agreement annexed to Directive 1999/70/EC correct and is it correct to take the view that, in line with that interpretation, the holding of a conventional selection process, with the features described, is not an equivalent measure and cannot be regarded as a penalty, since it is not proportional to the abuse committed, the consequence of which is the termination of the temporary worker's appointment, in breach of the objectives of the directive, and the continued unfavourable situation of temporary regulated employees, nor can it be regarded as an effective measure in so far as it does not create any detriment to the employer, and nor does it fulfil any deterrent function, and therefore it is not compatible with the first paragraph of Article 2 of Directive 1999/70 in that it does not ensure that the Spanish State achieves the results imposed by the directive?