

Reference for a preliminary ruling from the Simvoulio tis Epikratias (Greece) lodged on 8 May 2009 — K. Frangopoulos kai Sia OE v Nomarkhiaki Avtodiikisi Korinthias

(Case C-161/09)

(2009/C 153/54)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: K. Frangopoulos kai Sia OE

Defendant: Nomarkhiaki Avtodiikisi Korinthias

Questions referred

1. Can a company operating under the conditions under which the applicant operates, that is to say, as a dried grape processing and packing company established in a specific area of the country to which it is prohibited by law to bring different varieties of drying grapes from other areas of the country for the purpose of processing and packing, thereby preventing it from exporting dried grapes which it would have processed from such drying grapes, plead in court that the legislative measures in question conflict with Article 29 EC?
2. If the answer to the first question is in the affirmative, do provisions such as those in internal Greek law governing the dispute at issue which, on the one hand, prohibit drying grapes from being brought from different areas of the country, for the purpose of storage, processing and onward export, to a specific area in which it is only permitted to process locally grown drying grapes and, on the other hand, reserve the possibility of recognising protected designation of origin solely for drying grapes which have been processed and packed in the specific area in which they were grown, conflict with Article 29 EC which prohibits quantitative restrictions on exports or measures having equivalent effect?
3. If the answer to the second question is in the affirmative, does protection of the quality of a product which is defined geographically by the national law of a Member State and which has not been granted the possibility of bearing a particular distinguishing name which would mark its generally acknowledged superior quality and uniqueness due to its originating from a certain geographical area, constitute, within the meaning of Article 30 of the Treaty establishing the European Community, a legitimate objective of overriding public interest which justifies a derogation from Article 29 EC prohibiting quantitative restrictions on

exports of the said product and measures having equivalent effect?

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 8 May 2009 — Secretary of State for Work and Pensions v Taous Lassal

(Case C-162/09)

(2009/C 153/55)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicant: Secretary of State for Work and Pensions

Defendant: Taous Lassal

Questions referred

- 1) In circumstances where (i) an EU citizen came to the United Kingdom in September 1999 as a worker and remained as a worker until February 2005 (H) the EU citizen then left the United Kingdom and returned to the Member State of which she is a national for a period of 10 months (iii) the EU citizen returned to the United Kingdom in December 2005 and resided there continuously until November 2006, when she made a claim for social security assistance:

Is Article 16(1) of Directive 2004/38 of the European Parliament and the Council of 29 April 2004 to be interpreted as entitling that EU citizen to a right of permanent residence by virtue of the fact that she had been legally resident, in accordance with earlier Community law instruments conferring rights of residence on workers, for a continuous period of five years which ended prior to 30 April 2006 (the date by which Member States had to transpose the Directive)?

Action brought on 13 May 2009 — Commission of the European Communities v Hellenic Republic

(Case C-169/09)

(2009/C 153/56)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: S. Schönberg and M. Kapanasou Apostolopoulou, Agents)

Defendant: Hellenic Republic