

*Defendant:* Republic of Poland

### Form of order sought

— declare that, by not bringing into force the laws, regulations and administrative provisions necessary to give effect to Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC, <sup>(1)</sup> and in any event by not informing the Commission of those measures, the Republic of Poland has failed to fulfil its obligations under Article 18 of that directive;

— order the Republic of Poland to pay the costs.

### Pleas in law and main arguments

The period within which Directive 2006/7/EC had to be transposed expired on 24 March 2008.

<sup>(1)</sup> OJ 2006 L 64, p. 37.

**Reference for a preliminary ruling from the Juzgado Contencioso Administrativo nº 3 de Pontevedra (Spain) lodged on 23 November 2009 — Ana María Iglesias Torres v Consejería de Educación de la Junta de Galicia**

(Case C-456/09)

(2010/C 24/62)

*Language of the case: Spanish*

### Referring court

Juzgado Contencioso Administrativo No 3 de Pontevedra

### Parties to the main proceedings

*Applicant:* Ana María Iglesias Torres

*Defendant:* Consejería de Educación de la Junta de Galicia

### Questions referred

1. Is Directive 1999/70/EC <sup>(1)</sup> applicable to interim staff of the Autonomous Community of Galicia?
2. Is it possible to regard Article 25(2) of Law 7/2007 as a national provision transposing Directive 1999/70/EC when there is no reference to Community legislation in that Law?
3. In the event that the reply to the second question is affirmative: must Article 25(2) EBEP be defined as a national provision transposing the directive, of the kind

referred to in point 4 of the operative part of the judgment of the Court of Justice in Case C-268/06 (*Impact*), <sup>(2)</sup> or is the Spanish State required to give retro-active effect to remuneration arising from the three-yearly increments which it has recognised in accordance with the Directive?

4. In the event that the reply to the second question is negative: is it possible to apply Directive 1999/70/EC directly to the case in the terms set out in the judgment of the Court of Justice in *Del Cerro Alonso*? <sup>(3)</sup>

<sup>(1)</sup> 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).

<sup>(2)</sup> Case C-268/06 *Impact* [2008] ECR I-2483.

<sup>(3)</sup> Case C-307/05 *Del Cerro Alonso* [2007] ECR I-7109.

**Appeal brought on 20 November 2009 by the Italian Republic against the judgment delivered on 4 September 2009 in Case T-211/05 Italy v Commission**

(Case C-458/09P)

(2010/C 24/63)

*Language of the case: Italian*

### Parties

*Appellant:* Italian Republic (represented by: G. Palmieri, Agent)

*Other party to the proceedings:* Commission of the European Communities

### Form of order sought

The appellant claims that the Court should:

— allow the present appeal;

— set aside the judgment of 4 September 2009 in Case T-211/05 *Italy v Commission*, notified by registered letter No 405966 of 4 September 2009, received on 8 September 2009, and as a consequence annul Decision 2006/261/EC of 16 March 2005 (notified under document number C(2005) 591) on aid scheme C 8/2004 (ex NN 164/2003) implemented by Italy in favour of newly listed companies.

### Pleas in law and main arguments

**First plea in law:** Infringement of Articles 10 and 13 of Regulation No 659/99 <sup>(1)</sup> ("Procedure regarding unlawful aid"), Article 88(2) EC and the principle of *audi alteram partem*. Manifest error of assessment of documents.