

4. If not, must Article 6 of Directive 76/768/EEC as amended be interpreted as giving rise to the joint and several liability of the cosmetics manufacturer and the mere trader who takes no part in the manufacture, packaging or labelling of the cosmetic?

⁽¹⁾ OJ 2004 L 165, p. 1.

⁽²⁾ OJ 2000 L 109, p. 29.

⁽³⁾ OJ 1976 L 262, p. 169.

Action brought on 18 December 2009 — Commission of the European Communities v Kingdom of the Netherlands

(Case C-542/09)

(2010/C 63/50)

Language of the case: Dutch

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and M. van Beek, acting as Agents)

Defendant: Kingdom of the Netherlands

Form of order sought

— Declare that, by requiring that migrant workers and family members for whom they still provide must fulfil a residence requirement (the '3 out of 6 rule') in order to be eligible under the WSF⁽¹⁾ for the funding of educational studies abroad, the Kingdom of the Netherlands has failed to fulfil its obligations under Article 45 TFEU and Article 7(2) of Regulation (EEC) No 1612/68;⁽²⁾

— order Kingdom of the Netherlands to pay the costs.

Pleas in law and main arguments

As the Netherlands has still not adopted all the measures necessary to put an end to the residence requirement (the '3 out of 6 rule'), which migrant workers and family members for whom they still provide must fulfil in order to be eligible under the WSF for the funding of educational studies

abroad, the Commission draws the conclusion that the Netherlands has failed to fulfil its obligations under Article 45 TFEU and Regulation No 1612/68.

⁽¹⁾ Wet Studiefinanciering 2000 (Law on funding for studies).

⁽²⁾ Council Regulation of 15 October 1968 on freedom of movement for workers within the Community (OJ L 257, p. 2).

Action brought on 22 December 2009 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-545/09)

(2010/C 63/51)

Language of the case: English

Parties

Applicant: European Commission (represented by: J. Currall, B. Eggers, Agents)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claims that the Court should:

— declare that Article 12(4)(a) of the Convention defining the Statute of the European Schools⁽¹⁾ is to be interpreted and applied so as to ensure that teachers seconded by a Member State have access during their secondment to the same progression in status and pay as those enjoyed by teachers employed in that Member State, and that the exclusion of certain teachers seconded by the United Kingdom, during their secondment, from access to improved pay scales (variously known as 'threshold pay', 'excellent teacher system', 'advanced skills teachers') and from other additional payments (such as 'teaching and learning responsibility payments') as well as the progression on existing pay-scales available to teachers employed in maintained schools in England and Wales is incompatible with Articles 12(4)(a) and 25(1) of the Convention;

— order United Kingdom of Great Britain and Northern Ireland to pay the costs.

Pleas in law and main arguments

This is a request under Article 26 of the Convention defining the Statute of the European Schools ('the Convention') for a ruling regarding the interpretation and application of Articles 12(4)(a) and 25(1) of the Convention.