

for a system for the publication and monitoring of work schedules of part-time workers, consisting of the mandatory compilation and retention, subject to criminal or administrative penalties, of documents recording the exact duration of work performed by each worker

### Operative part of the order

Clause 4 of the Framework Agreement annexed to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC must be interpreted as not precluding national legislation which makes employers responsible for the obligations of retention and publication of the contracts and work-schedules of part-time workers if it is established that such legislation does not lead to them being treated less favourably than full-time workers in a similar situation or, if such there is such a difference in treatment, it is established that it is justified on objective grounds and does not go beyond what is necessary to attain the objectives thus pursued.

It is for the referring court to perform the necessary factual and legal investigation, particularly with regard to the applicable national law, in order to determine whether that is so in the case before it.

In the event that the referring court were to conclude that the national legislation at issue is incompatible with Clause 4 of the Framework Agreement on part-time work annexed to Directive 97/81, Clause 5(1) thereof would have to be interpreted as precluding such legislation

<sup>(1)</sup> OJ C 161, 19.6.2010.

**Order of the Court (Fifth Chamber) of 8 April 2011 (reference for a preliminary ruling from the Curtea de Apel Craiova (Romania)) — Administrația Finanțelor Publice a Municipiului Târgu-Jiu, Administrația Fondului pentru Mediu v Victor Vinel Ijac**

(Case C-336/10) <sup>(1)</sup>

**(First subparagraph of Article 104(3) of the Rules of Procedure — Internal taxation — Article 110 TFEU — Pollution tax levied upon first registration of motor vehicles)**

(2011/C 211/13)

Language of the case: Romanian

### Referring court

Curtea de Apel Craiova

### Parties to the main proceedings

**Applicant:** Administrația Finanțelor Publice a Municipiului Târgu-Jiu, Administrația Fondului pentru Mediu

**Defendant:** Victor Vinel Ijac

### Re:

Reference for a preliminary ruling — Curtea de Apel Craiova — Registration of second-hand vehicles previously registered in other Member States — Environmental tax levied on motor vehicles upon first registration in a Member State — Whether national legislation is compatible with Article 110 TFEU

### Operative part of the order

Article 110 TFEU must be interpreted as precluding a Member State from introducing a pollution tax affecting motor vehicles on their first registration in that Member State, if that fiscal measure is so designed as to discourage the putting into service, in that Member State, of second-hand vehicles bought in other Member States, without, however, discouraging the purchase of second-hand vehicles of the same age and condition on the national market.

<sup>(1)</sup> OJ C 274, 9.10.2010.

**Order of the Court (Fifth Chamber) of 28 March 2011 — Herhof-Verwaltungsgesellschaft mbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) — Stabilator sp. z o.o.**

(Case C-418/10 P) <sup>(1)</sup>

**(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Opposition proceedings — Earlier mark STABILAT — Figurative sign ‘stabilator’ — Relative ground for refusal — Likelihood of confusion — Absence of similarity of the goods and services)**

(2011/C 211/14)

Language of the case: German

### Parties

**Appellant:** Herhof-Verwaltungsgesellschaft mbH (represented by: A. Zinnecker and S. Müller, Rechtsanwälte)

**Other parties to the proceedings:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent), Stabilator sp. z o.o. (represented by M. Kacprzak, radca prawny)

### Re:

Appeal against the judgment of the General Court (Fourth Chamber) of 7 July 2010 in Case T-60/09 *Herhof v OHIM — Stabilator*, by which the General Court dismissed the action brought by the proprietor of the Community word mark STABILAT in respect of goods and services in Classes 1, 7, 11, 20, 37, 40 and 42, against the decision of the Fourth