

**Action brought on 3 March 2010 — European Commission  
v Council of the European Union**

(Case C-118/10)

(2010/C 113/54)

*Language of the case: English*

**Parties**

*Applicant:* European Commission (represented by: V. Di Bucci, L. Flynn, K. Walkerová, A. Stobiecka-Kuik, Agents)

*Defendant:* Council of the European Union

**The applicant claims that the Court should:**

— Annul Council Decision 2009/991/EU <sup>(1)</sup> of 16 December 2009 on the granting of State aid by the authorities of the Republic of Latvia for the purchase of agricultural land between 1 January 2010 and 31 December 2013;

— order the Council of the European Union to pay the costs of the present proceedings.

**Pleas in law and main arguments**

The Council, by adopting the contested decision, has overturned the Commission's decision resulting from the proposal for appropriate measures in Point 196 of the 2007 Agricultural Guidelines and from its unconditional acceptance by Latvia, obliging the latter to bring to an end an existing aid scheme for the purchase of agricultural land by 31 December 2009 at the latest. Under the guise of exceptional circumstances, the Council has in fact allowed Latvia to maintain that scheme until the expiry of the 2007 Agricultural Guidelines on 31 December 2013. The circumstances put forward by the Council as the grounds for its decision are self evidently not exceptional circumstances of such a nature as to justify the decision taken and make no allowance for the Commission's decision on that scheme. In support of its action for annulment, the Commission will put forward four pleas in law:

a) In the first place, it considers that the Council was not competent to act under the third subparagraph of Article 108(2) TFEU because the aid which it approved was existing aid which Latvia had committed to eliminating by the end

of 2009 when it accepted the appropriate measures proposed to it by the Commission.

b) Secondly, the Council has misused its powers, seeking to neutralise the determination that aid measures which Latvia was free to retain until the end of 2009 but not after that date could be kept in place until 2013.

c) Next, in its third plea, the contested decision was adopted in breach of the principle of sincere cooperation which applies to Member States and also between institutions. By its decision, the Council has released Latvia from its obligation of cooperation with the Commission in relation to the appropriate measures accepted by that Member State regarding existing aid for purchase of agricultural land in the context of the cooperation established by Article 108(1) TFEU.

d) By its final plea, the Commission will argue that the Council committed a manifest error of assessment insofar it found that exceptional circumstances existed which justify the adoption of the approved measure.

<sup>(1)</sup> OJ L 339, 22.12.2009, p. 34

**Reference for a preliminary ruling from the  
Marknadsdomstolen (Sweden) lodged on 8 March 2010  
— Konsumentombudsmannen (KO) v Ving Sverige AB**

(Case C-122/10)

(2010/C 113/55)

*Language of the case: Swedish*

**Referring court**

Marknadsdomstolen

**Parties to the main proceedings**

*Applicant:* Konsumentombudsmannen (KO)

*Defendant:* Ving Sverige AB

### Questions referred

1. Is the requirement 'thereby enables the consumer to make a purchase' in Article 2(i) of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market <sup>(1)</sup> to be interpreted as meaning that an invitation to purchase exists as soon as information on the advertised product and its price is available so that the consumer may make a decision to purchase, or is it necessary that the commercial communication also offer an actual opportunity to purchase the product (e.g. an order form) or that there be access to such an opportunity (e.g. an advertisement outside a shop)?
2. If the answer to the above question is that it is necessary that there be an actual opportunity to purchase the product, is that to be regarded as existing if the commercial communication refers to a telephone number or website where the product can be ordered?
3. Is Article 2(i) of Directive 2005/29 to be interpreted as meaning that the requirement for a price is met if the commercial communication contains an entry-level price, that is to say, the lowest price for which the advertised product or category of products can be bought at the same time as the advertised product or category of products are available in other versions or with other content at prices which are not stated?
4. Is Article 2(i) of Directive 2005/29 to be interpreted as meaning that the requirement concerning a product's characteristics is met as soon as there is a verbal or visual reference to the product, <sup>(2)</sup> that is to say, so that the product is identified but not further described?
5. If the answer to the above question is affirmative, does that also apply where the advertised product is offered in many versions, but the commercial communication refers to them only by a common designation?
6. If there is an invitation to purchase, is Article 7(4)(a) to be interpreted as meaning that it is sufficient for only certain of a product's main characteristics to be given and for the trader to refer in addition to its website, on the condition that on that site there is essential information on the product's main characteristics, price and other terms in accordance with the requirement in Article 7(4)?

7. Is Article 7(4)(c) to be interpreted as meaning that it is sufficient to give an entry-level price for the price requirement to be met?

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<sup>(1)</sup> OJ 2005 L 149, p. 22.

<sup>(2)</sup> Commission staff working document 'Guidance on the implementation/application of directive 2005/29/EC on unfair commercial practices', p. 47f.

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### Action brought on 10 March 2010 — European Commission v Hellenic Republic

(Case C-127/10)

(2010/C 113/56)

*Language of the case: Greek*

#### Parties

*Applicant:* European Commission (represented by: M. Karanasou-Apostolopoulou and G. Zavvos, acting as Agents)

*Defendant:* Hellenic Republic

#### Form of order sought

The Court is asked to:

— declare that by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/42/EC <sup>(1)</sup> of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC, or in any event by failing to inform the Commission of such provisions, the Hellenic Republic has failed to fulfil its obligations under that directive;

— order the Hellenic Republic to pay the costs.

#### Pleas in law and main arguments

The time-limit for transposing Directive 2006/42/EC into national law expired on 29 June 2008.

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<sup>(1)</sup> OJ L 157 of 9.6.2006, p. 24.