

(b) If so, must it also be shown that the contractual obligation appreciably prevents, restricts or distorts competition in order to come within the prohibition imposed by Article 101(1) TFEU?

- (¹) Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access
OJ L 320, p. 54
- (²) Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities
OJ L 298, p. 23
- (³) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society
OJ L 167, p. 10
- (⁴) Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version)
OJ L 376, p. 28
- (⁵) Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission
OJ L 248, p. 15

Reference for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo nº 3, de Almería (Spain) lodged on 11 May 2010 — Águeda María Sáenz Morales v Consejería para la Igualdad y Bienestar Social de la Junta de Andalucía

(Case C-230/10)

(2010/C 209/26)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo N°3, de Almería

Parties to the main proceedings

Applicant: Águeda María Sáenz Morales

Defendant: Consejería para la Igualdad y Bienestar Social de la Junta de Andalucía

Question referred

Is Directive 1999/70/EC (¹) applicable to the civil service of the administration of the Junta de Andalucía (temporary staff) and,

if so, are civil servants entitled to receive three-yearly increments corresponding to periods when they were working as temporary civil servants?

(¹) 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).

Action brought on 10 May 2010 — European Commission v Republic of Poland

(Case C-232/10)

(2010/C 209/27)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: A. Nijenhuis and Ł. Habiak, Agents)

Defendant: Republic of Poland

Form of order sought

— declare that, by not adopting all of the laws, regulations and administrative provisions necessary to implement in full Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector, (¹) or in any event by not informing the Commission of those provisions, the Republic of Poland has failed to fulfil its obligations under that directive;

— order the Republic of Poland to pay the costs of the proceedings.

Pleas in law and main arguments

The period within which Directive 2007/44/EC had to be implemented expired on 21 March 2009.

(¹) OJ 2007 L 247, p. 1.