

Reference for a preliminary ruling from the Cour de cassation (Luxembourg) lodged on 12 May 2010 — Xuan-Mai Tran v Landsbanki Luxembourg SA (in liquidation)

(Case C-239/10)

(2010/C 209/32)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Xuan-Mai Tran

Defendant: Landsbanki Luxembourg SA (in liquidation)

Questions referred

- Are Articles 1, 2 and 3 of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies⁽¹⁾ to be interpreted as applying to a termination of activities as a result of a declaration that the employer is insolvent or a judicial decision ordering the dissolution and winding-up, on grounds of insolvency, of the credit institution which is the employer on the basis of Article 61(l)(a) and (b) of the amended Law of 5 April 1993 relating to the financial sector, in respect of which termination the national legislation provides for the termination of employment contracts with immediate effect
- If the answer to the first question is in the affirmative, are Articles 1, 2 and 3 of Directive 98/59/EC to be interpreted as meaning that the administrator or liquidator is to be deemed to be in the same position as an employer who is contemplating collective redundancies and who is capable of carrying out, to that end, the acts referred to in Articles 2 and 3 of Directive 98/53/EC and of effecting such redundancies (judgment in Case C-323/08, paragraphs 39, 40 and 41)?⁽²⁾

⁽¹⁾ OJ 1998 L 225, p. 16.

⁽²⁾ Judgment of 10 December 2009 in Case C-323/08 *Rodríguez Mayor and Others*

Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia — Sezione Terza (Italy) lodged on 17 May 2010 — ENEL Produzione SpA v Autorità per l'Energia Elettrica e il Gas

(Case C-242/10)

(2010/C 209/33)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Lombardia, Sezione Terza

Parties to the main proceedings

Applicant: Enel Produzione SpA

Defendant: Autorità per l'Energia Elettrica e il Gas

Question referred

Do Articles 23, 43, 49 and 56 of the Treaty and Article 11(2) and (6) and Article 24 of Directive 54/03/EC preclude national legislation which, without the European Commission having been notified, requires on a permanent basis certain electricity producers which are, in certain circumstances, essential for the purpose of meeting the requirements of the demand for dispatching services, to submit bids on the energy exchange markets, in accordance with programmes determined by the network operator in accordance with external rules, and which prevents producers from freely determining the remuneration for such bids by linking the remuneration to criteria that have not been pre-determined according to 'transparent, non-discriminatory and market-based procedures'?

Action brought on 18 May 2010 — European Commission v Italian Republic

(Case C-243/10)

(2010/C 209/34)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: D. Grespan and B. Stromsky, acting as Agents)

Defendant: Italian Republic