

Form of order sought

— Declare that, by failing to bring into force the laws, regulations and administrative provisions necessary to comply with Council Directive 2005/47/EC ⁽¹⁾ of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector and, in any event, by failing to communicate such measures to the Commission, the Portuguese Republic has failed to fulfil its obligations under Article 5 of the Directive.

— Order the Portuguese Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing the directive expired on 26 July 2008.

⁽¹⁾ OJ 2005 L 195, p. 15.

Reference for a preliminary ruling from the Tribunal administratif (Luxembourg) lodged on 10 June 2010 — Tankreederei I SA v Directeur de l'Administration des Contributions Directes

(Case C-287/10)

(2010/C 221/44)

Language of the case: French

Referring court

Tribunal administratif

Parties to the main proceedings

Applicant: Tankreederei I SA

Defendant: Directeur de l'Administration des Contributions Directes

Question referred

Do Articles 49 EC and 56 EC preclude the provisions of the first paragraph of Article 152 bis of the amended Law of 4 December 1967 on income tax, insofar as, under those provisions, Luxembourg taxpayers are granted a tax credit for

investments only if the investments are made in an establishment situated in the Grand-Duchy and are intended to remain there on a permanent basis, and only if they are physically used on Luxembourg territory?

Action brought on 11 June 2010 — European Commission v Italian Republic

(Case C-291/10)

(2010/C 221/45)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: M. van Beek and S. Mortoni, acting as Agents)

Defendant: Italian Republic

Form of order sought

The applicant claims that the Court should:

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2005/47/EC ⁽¹⁾ of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector or, in any event, by failing to communicate those measures to the Commission, the Italian Republic has failed to fulfil its obligations under Article 5 of that directive;

— order the Italian Republic to pay the costs.

Pleas in law and main arguments

The deadline for transposing Directive 2005/47/EC into national law expired on 26 July 2008.

⁽¹⁾ OJ L 195, 27/07/2005, p. 15.