

Union law, in particular the fundamental freedoms under the TFEU, the Charter of Fundamental Rights of the European Union and the European Convention for the protection of human rights and fundamental freedoms ('Driving licence tourism')?

⁽¹⁾ OJ 1991 L 237, p. 1.

⁽²⁾ OJ 2006 L 403, p. 18.

Action brought on 28 September 2010 — European Commission v Portuguese Republic

(Case C-470/10)

(2010/C 328/34)

Language of the case: Portuguese

Parties

Applicant: European Commission (represented by: M. França and I.V. Rogalski, acting as Agents)

Defendant: Portuguese Republic.

Form of order sought

— Declare that, by maintaining a requirement of registration and accreditation by the Portuguese authorities for any temporary provision of services by Community patent agents who are already established in another Member State and by checking the professional qualifications of Community patent agents who travel to Portugal, even in relation to a temporary service, the Portuguese Republic has failed to fulfil its obligations under Article 56 TFEU and Articles 5 to 7 of Directive 2005/36/EC ⁽¹⁾ on the recognition of professional qualifications.

— order the Portuguese Republic to pay the costs.

Pleas in law and main arguments

The Portuguese legislation at issue prevents a patent and trade mark agent, legally established in another Member State, from exercising his activities of representation before the National Institute of Industrial Property (INPI — Instituto Nacional da Propriedade Industrial) in Portugal, when he travels there to provide services to clients located in another Member State, if he has not previously undergone a test examination to be accredited or recognised by that institute.

⁽¹⁾ OJ 2005 L 255, p. 22

Reference for a preliminary ruling from the Unabhängiger Verwaltungssenat Salzburg lodged on 28 September 2010 — Martin Wohl and Ildiko Veres v Magistrat der Stadt Salzburg, Other party: Finanzamt Salzburg-Stadt

(Case C-471/10)

(2010/C 328/35)

Language of the case: German

Referring court

Unabhängiger Verwaltungssenat Salzburg

Parties to the main proceedings

Applicants: Martin Wohl and Ildiko Veres

Defendant: Magistrat der Stadt Salzburg

Other party: Finanzamt Salzburg-Stadt

Question referred

Is Annex X of the list referred to in Article 24 of the Act of Accession of the Republic of Hungary to the European Union (1. Freedom of movement for persons) ⁽¹⁾ to be interpreted as meaning that the leasing of workers from Hungary to Austria cannot be regarded as a posting of those workers and that national restrictions concerning the employment of Hungarian/Slovakian workers in Austria apply equally, in Austria, in respect of Hungarian/Slovak workers (regularly employed in Hungary) leased by Hungarian undertakings?

⁽¹⁾ OJ 2003 L 236, p. 846.

Action brought on 29 September 2010 — European Commission v Republic of Hungary

(Case C-473/10)

(2010/C 328/36)

Language of the case: Hungarian

Parties

Applicant(s): European Commission (represented by: H. Støvlbæk and B.D. Simon, agents)

Defendant(s): Republic of Hungary