

Order of the Court (Sixth Chamber) of 9 February 2012 (reference for a preliminary ruling from the Juzgado Contencioso-Administrativo No 4 de Valladolid — Espagne) — *María Jesús Lorenzo Martínez v Junta de Castilla y León, Dirección General de Recursos Humanos de la Consejería de Educación*

(Case C-556/11) ⁽¹⁾

(First subparagraph of Article 104(3) of the Rules of Procedure — Social policy — Directive 1999/70/EC — Clause 4(1) of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Fixed-term employment contracts in the public sector — Non-university teaching — Right to six-yearly continuing professional education increments — Exclusion of teachers employed as temporary officials — Principle of non-discrimination)

(2012/C 133/23)

Language of the case: Spanish

Referring court

Juzgado Contencioso-Administrativo No 4 de Valladolid

Parties to the main proceedings

Applicant: *María Jesús Lorenzo Martínez*

Defendant: *Junta de Castilla y León, Dirección General de Recursos Humanos de la Consejería de Educación*

Re:

Reference for a preliminary ruling — Juzgado Contencioso-Administrativo de Valladolid — Interpretation of Clause 4 of the Annex to 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) — Principle of non-discrimination — Grant to teaching staff of a six-yearly continuing professional education increment — Increment granted exclusively to established (career) civil servants

Operative part of the order

Clause 4(1) of the framework agreement on fixed-term work, concluded on 18 March 1999 and annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which restricts, in the absence of any objective justification, the right to receive a six-yearly continuing professional education increment solely to teachers employed as established (career) civil servants, to the exclusion of those working as temporary officials, where, in respect of the receipt of that increment, those two categories of workers are in comparable situations.

⁽¹⁾ OJ C 25, 28.1.2010.

Order of the Court (Eighth Chamber) of 9 February 2012 (reference for a preliminary ruling from the Landgericht Düsseldorf — Germany) — *Novartis AG v Actavis Deutschland GmbH & Co KG, Actavis Ltd*

(Case C-574/11) ⁽¹⁾

(The first subparagraph of Article 104(3) of the Rules of Procedure — Medicinal products for human use — Supplementary protection certificate — Regulation (EC) No 469/2009 — Articles 4 and 5 — Sole active ingredient for which such a certificate is granted — Scope of protection — Medicinal product containing more than one active ingredient, including the active ingredient which is the subject of a certificate)

(2012/C 133/24)

Language of the case: German

Referring court

Landgericht Düsseldorf

Parties to the main proceedings

Applicant: *Novartis AG*

Defendants: *Actavis Deutschland GmbH & Co KG, Actavis Ltd*

Re:

Reference for a preliminary ruling — Landgericht Düsseldorf — Interpretation of Articles 4 and 5 of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ 2009 L 152, p. 1) — Scope of the certificate — Protection solely of medicinal products consisting only of the protected active ingredient or protection extended to medicinal products consisting of the protected active ingredient in combination with another active ingredient

Operative part of the order

Articles 4 and 5 of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products must be interpreted as meaning that, where a 'product' consisting of an active ingredient was protected by a basic patent and the holder of that patent was able to rely on the protection conferred by that patent for that 'product' in order to oppose the marketing of a medicinal product containing that active ingredient in combination with one or more other active ingredients, a supplementary protection certificate granted for that 'product' enables its holder, after the basic patent has expired, to oppose the marketing by a third party of a medicinal product containing that product for a use of the 'product', as a medicinal product, which was authorised before that certificate expired.

⁽¹⁾ OJ C 32, 4.2.2012.