

Reference for a preliminary ruling from the Tribunale di Bergamo lodged on 1 April 2011 — Procura della Repubblica v Ibrahim Music

(Case C-156/11)

(2011/C 269/36)

Language of the case: Italian

Referring court

Tribunale di Bergamo

Party to the main proceedings

Ibrahim Music

By order of 21 June 2011 the Court of Justice removed the case from the register.

Action brought on 18 April 2011 — European Commission v Republic of Slovenia

(Case C-185/11)

(2011/C 269/37)

Language of the case: Slovene

Parties

Applicant: European Commission (represented by: K.-Ph. Wojcik, M. Žebre and N. Yerrell, Agents)

Defendant: Republic of Slovenia

Form of order sought

The applicant claims that the Court should:

— declare that, by failing to implement, correctly and fully, in its own legal order Council Directives 73/239/EEC⁽¹⁾ and 92/49/EEC,⁽²⁾ the Republic of Slovenia has failed to fulfil its obligations under Article 8(3) of Directive 73/239/EEC and Articles 29 and 39 of Directive 92/49/EEC, and its obligations under Articles 56 and 63 of the Treaty on the functioning of the European Union;

— order the Republic of Slovenia to pay the costs.

Pleas in law and main arguments

The period prescribed for the transposition of Directives 73/239/EEC and 92/49/EEC expired on 1 May 2004.

⁽¹⁾ OJ 1973 L 228, p. 3.

⁽²⁾ OJ 1992 L 228, p. 1.

Reference for a preliminary ruling from the Arbeitsgericht Passau (Germany) lodged on 16 May 2011 — Alexander Heimann v Kaiser GmbH

(Case C-229/11)

(2011/C 269/38)

Language of the case: German

Referring court

Arbeitsgericht Passau

Parties to the main proceedings

Applicant: Alexander Heimann

Defendant: Kaiser GmbH

Questions referred

1. Must Article 31(2) of the Charter of Fundamental Rights of the European Union of 12 December 2007 or Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time⁽¹⁾ be interpreted as meaning that they preclude national legislation or practice according to which, if there is a reduction in the days to be worked each week as a result of a lawful order specifying short-time working, the entitlement to paid annual leave of a worker on short-time working is adjusted pro rata to reflect the ratio between the number of working days each week during the period of short-time working and the number of working days each week for a full-time worker and, as a result, during the period of short-time working, the short-time worker accrues a correspondingly reduced entitlement to annual leave?
2. If the first question is answered in the affirmative:

Must Article 31(2) of the Charter of Fundamental Rights of the European Union of 12 December 2007 or Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as meaning that they preclude national legislation and practice according to which, if the number of days to be worked each week is reduced to zero as a result of a lawful order specifying 'zero hours short-time working', the entitlement to paid annual leave of a worker on short-time working is adjusted pro rata to nothing and, as a result, during the period of 'zero hours short-time working', the short-time worker does not accrue any entitlement to annual leave?

⁽¹⁾ OJ 2003 L 299, p. 9.