

the detriment of workers already on the permanent staff, which would be the position if it were possible for workers in precarious employment to have the length of service accrued taken into account?

- (b) Does Clause 4(4) of the Annex to Directive 1999/70/EC, under which '[t]he period-of-service qualifications relating to particular conditions of employment shall be the same for fixed-term workers as for permanent workers except where different length-of-service qualifications are justified on objective grounds', read in conjunction with Clause 5 thereof, as interpreted by the Court of Justice to the effect that the Italian rules which prohibit, in the context of the public service, the conversion of a fixed-term contract into a contract of unlimited duration are lawful, preclude the national rules under which, without prejudice to the accrual of length of service for the period of the fixed-term contract, the fixed-term contract is to be terminated and a new contract of unlimited duration established, which is different from the previous contract and under which

<sup>(1)</sup> OJ 1999 L 175, p. 43.

**Action brought on 17 June 2011 — European Commission v Republic of Finland**

(Case C-309/11)

(2011/C 252/43)

*Language of the case: Finnish*

**Parties**

*Applicant:* European Commission (represented by: I. Koskinen and L. Lozano Palacios, acting as Agents)

*Defendant:* Republic of Finland

**Form of order sought**

— declare that, by applying, in Paragraph 80 of Law on value added tax (1501/1993), the special scheme for travel agents to travel services sold to persons other than travellers, the Republic of Finland has failed to fulfil its obligations under Articles 306 to 310 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(1)</sup>;

— order Republic of Finland to pay the costs.

**Pleas in law and main arguments**

The Commission observes that the special scheme for travel agents in Directive 2006/112/EC of 28 November 2006 on the common system of value added tax is to be applied only when travel services are sold to travellers. The Republic of

Finland has infringed that directive by applying the special scheme for travel agents to services which travel agencies supply to one another or to tour operators.

<sup>(1)</sup> OJ 2006 L 347, p. 1

**Action brought on 21 June 2011 — European Commission v Republic of Poland**

(Case C-313/11)

(2011/C 252/44)

*Language of the case: Polish*

**Parties**

*Applicant:* European Commission (represented by: D. Bianchi and A. Szmytkowska, acting as Agents)

*Defendant:* Republic of Poland

**Form of order sought**

— declare that, by introducing a prohibition on the manufacture, placing on the market and use for animal nutrition in Poland of genetically modified feed and genetically modified organisms intended for feed use, the Republic of Poland has failed to fulfil its obligations under Articles 16(5), 19, 20 and 34 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed; <sup>(1)</sup>

— order the Republic of Poland to pay the costs.

**Pleas in law and main arguments**

The Commission complains that, by adopting the national Law on feed which prohibits the manufacture, placing on the market and use for animal nutrition in Poland of genetically modified feed and genetically modified organisms intended for feed use, the Republic of Poland has failed to fulfil its obligations under Regulation No 1829/2003. As a result of the adoption of that regulation, which introduces full harmonisation in the field of GMO feed authorisations at European Union level, Poland cannot adopt legal provisions prohibiting the placing on the market, use and manufacture in its territory of products that are the subject of such authorisations. Specifically, Poland has infringed:

— Article 16(5) of Regulation No 1829/2003, in accordance with which authorisation for placing on the market, using or processing GMOs for feed use, feed containing or consisting of GMOs and feed produced from GMOs is to be granted, refused, renewed, modified, suspended or revoked only on the grounds given in the regulation and under the procedures set out therein;