

Order of the Court (Eighth Chamber) of 12 December 2013 (request for a preliminary ruling from the Tribunale ordinario di Aosta — Italy) — Rocco Papalia v Comune di Aosta

(Case C-50/13) ⁽¹⁾

(Request for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Social policy — Directive 1999/70/EC — Clause 5 of the Framework Agreement on fixed-term work — Public sector — Successive contracts — Misuse — Compensation for damage — Conditions for the payment of compensation in the event of the unlawful fixing of a date on which a contract of employment will expire — Principles of equivalence and effectiveness)

(2014/C 52/39)

Language of the case: Italian

Referring court

Tribunale ordinario di Aosta

Parties to the main proceedings

Applicant: Rocco Papalia

Defendant: Comune di Aosta

Re:

Request for a preliminary ruling — Tribunale ordinario di Aosta — Interpretation of Clause 5 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) — Public administration — Compensation in the event of the unlawful fixing of a date on which a contract of employment will expire — Conditions — Evidence of damage incurred — Need to prove that better work opportunities were foregone

Operative part of the order

The framework agreement on fixed-term work, concluded on 18 March 1999, which is set out in 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, must be interpreted as precluding measures provided for by national legislation, such as that at issue in the main proceedings, which, in the event of misuse by a public employer of successive fixed-term employment contracts, provides solely for the right for the worker concerned to obtain compensation for the damage which he considers himself to have therefore incurred, without any transformation of the fixed-term employment relationship into an employment relationship for an indefinite period, where the right to that compensation is subject to the obligation on that worker to prove that he was forced to forego better work opportunities, although the effect of that obligation is to render impossible in practice or excessively difficult the exercise by that worker of rights conferred by European Union law.

It is for the referring court to assess to what extent the provisions of domestic law aimed at penalising the misuse by the public administration of successive fixed-term employment contracts or relationships comply with those principles.

⁽¹⁾ OJ C 147, 25.5.2013.

Order of the Court (Sixth Chamber) of 12 December 2013 — Fercal — Consultadoria e Serviços, Ld^a v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Jacson of Scandinavia AB

(Case C-159/13 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Community trade mark JACKSON SHOES — Application for a declaration of invalidity made by the proprietor of the national business name Jacson of Scandinavia AB — Declaration of invalidity — Manifest inadmissibility)

(2014/C 52/40)

Language of the case: Portuguese

Parties

Appellant: Fercal — Consultadoria e Serviços, Ld^a (represented by: A.J. Rodrigues, lawyer)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Guimarães and G. Schneider, Agents), Jacson of Scandinavia AB

Re:

Appeal against the judgment of the General Court (Fifth Chamber) of 24 January 2013 in Case T-474/09 Fercal — Consultadoria e Serviços, Ld^a v OHIM, Jacson of Scandinavia AB, by which the General Court dismissed the action brought against the decision of the Second Board of Appeal of OHIM of 18 August 2009 (Case R 1253/2008-2) relating to invalidity proceedings between Jacson of Scandinavia AB and Fercal — Consultadoria e Serviços, Lda.

Operative part of the order

1. *The appeal is dismissed.*
2. *Fercal — Consultadoria e Serviços Lda is ordered to pay the costs.*

⁽¹⁾ OJ C 171, 15.6.2013.

Order of the Court (Sixth Chamber) of 7 November 2013 — (reference for a preliminary ruling from the Tribunal di Cagliari (Italy)) — Criminal proceedings against Sergio Alfonso Lorrai

(Case C-224/13) ⁽¹⁾

(Request for a preliminary ruling — Article 53(2) of the Rules of Procedure of the Court of Justice — Fundamental rights — Excessive length of the criminal proceedings — Stay of criminal proceedings, for an indefinite period, in the event of sickness of the accused making him incapable of consciously participating in the proceedings — Irreversible sickness of the accused — Failure to implement European Union law — Clear lack of jurisdiction of the Court of Justice)

(2014/C 52/41)

Language of the case: Italian

Referring court

Tribunal di Cagliari (Italy)

Criminal proceedings against

Sergio Alfonso Lorrai

Re:

Request for a preliminary ruling — Tribunal di Cagliari — Interpretation of Article 47(2) of the Charter of Fundamental Rights of the European Union and of Article 6 of the European Convention on Human Rights read together with Article 6 TEU — Excessive length of the criminal proceedings — National legislation laying down the obligation to stay criminal proceedings, for an indefinite period, in the event of sickness of the accused, making him incapable of consciously participating in the proceedings — Obligation to subject the accused to periodic checks — Irreversible sickness of the accused.

Operative part of the order

The Court of Justice of the European Union clearly has no jurisdiction to answer the questions referred by the Tribunal di Cagliari (Italy).

⁽¹⁾ OJ C 207, 20.7.2013.

Order of the Court (Seventh Chamber) of 12 December 2013 (request for a preliminary ruling from the Commissione Tributaria Regionale dell'Umbria — Italy) — Umbra Packaging srl v Agenzia delle Entrate — Direzione Provinciale di Perugia

(Case C-355/13) ⁽¹⁾

(Request for a preliminary ruling — Rules of Procedure — Articles 53(2) and 99 — Possible to infer the answer to a question referred for a preliminary ruling clearly from the case-law — Request manifestly inadmissible — Electronic communications networks and services — Directive 2002/20/EC (Authorisation Directive) — Article 3 — Imposition of a government authorisation charge when a telephone subscription is taken out — Charge not applied to the use of prepaid telephone cards — Article 102 TFEU)

(2014/C 52/42)

Language of the case: Italian

Referring court

Commissione Tributaria Regionale dell'Umbria

Parties to the main proceedings

Applicant: Umbra Packaging srl

Defendant: Agenzia delle Entrate — Direzione Provinciale di Perugia

Re:

Request for a preliminary ruling — Commissione Tributaria Regionale dell'Umbria — Interpretation of Article 3 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ 2002 L 108, p. 21) and of Article 102 TFEU — National legislation imposing a fee on mobile telephone operators — Imposition of a government authorisation charge when a telephone subscription is taken out — Charge not applied to the use of prepaid telephone cards

Operative part of the order

Article 3 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), must be interpreted as meaning that it does not preclude national legislation such as that relating to the charge on activities carried out in the context of a government concession.

⁽¹⁾ OJ C 260, 7.9.2013.

Request for a preliminary ruling from the Curtea de Apel Timișoara (Romania) lodged on 3 June 2013 — Agenția de Plăți și Intervenție pentru Agricultură (APIA) — Centrul Județean Timiș v Curtea de Conturi a României, Camera de Conturi a Județului Timiș

(Case C-304/13)

(2014/C 52/43)

Language of the case: Romanian

Referring court

Curtea de Apel Timișoara

Parties to the main proceedings

Appellant: Agenția de Plăți și Intervenție pentru Agricultură (APIA) — Centrul Județean Timiș

Respondents: Curtea de Conturi a României, Camera de Conturi a Județului Timiș

Intervener: Agenția de Plăți și Intervenție pentru Agricultură (APIA)

Question referred

Do the provisions of Council Regulation (EC) No 1782/2003 of 29 September 2003, ⁽¹⁾ in particular Articles 115 and 135