

Parties to the main proceedings

Applicant: M.M.

Defendants: Presidenza del Consiglio dei Ministri, Ministero della Giustizia, Ministero dell'Economia e delle Finanze

Questions referred

Must Article 288 of the Treaty on the Functioning of the European Union, Articles 17, 31, 34 and 47 of the Charter of Fundamental Rights of the European Union, and Article 7 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⁾ Clause 4 of the Framework Agreement on part-time work, concluded on 6 June 1997, which is annexed to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, ⁽²⁾ as amended by Council Directive 98/23/EC of 7 April 1998, ⁽³⁾ and Clause 4 of the Framework Agreement on fixed-term work, concluded on 18 March 1999, which is 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, ⁽⁴⁾ be interpreted as meaning that those provisions preclude a national provision, such as that laid down in Article 29 of [decreto legislativo 13] luglio 2017, n. 116 ([Legislative Decree No 116 of 13] July 2017), as replaced by Article 1(629) of Legge 30 dicembre 2021, n. 234 (Law No 234 of 30 December 2021), which provides for the automatic waiver by law of all claims concerning the implementation of the abovementioned directives, with the loss of all other remuneration, employment and social welfare benefits guaranteed by European law:

- in the case where an honorary judge, as a fixed-term, part-time European worker comparable to a professional judge classified as a permanent, full-time European worker, merely submits an application to participate in stabilisation procedures that only formally implement Clause 5(1) of the Framework Agreement on fixed-term work, concluded on 18 March 1999, which is annexed to Directive 1999/70,
- or, if these procedures are not successfully concluded or no application is submitted, with the receipt of a payment in an amount that is manifestly inadequate and disproportionate in relation to the damage suffered as a result of the failure to transpose those directives?

⁽¹⁾ OJ 2003 L 299, p. 9.

⁽²⁾ OJ 1998 L 14, p. 9.

⁽³⁾ Council Directive 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland (OJ 1998 L 131, p. 10).

⁽⁴⁾ OJ 1999 L 175, p. 43.

Request for a preliminary ruling from the Rayonen sad Burgas (Bulgaria) lodged on 25 August 2022 — JD v OB

(Case C-562/22)

(2022/C 424/40)

Language of the case: Bulgarian

Referring court

Rayonen sad Burgas

Parties to the main proceedings

Applicant: JD

Defendant: OB

Question referred

On the basis of Article 19(3)(b) TEU and point (b) of the first paragraph and the third paragraph of Article 267 TFEU: Does the legislation of the Republic of Bulgaria, as a Member State, at issue in the main proceedings, under which the acquisition of ownership of agricultural land in Bulgaria is subject to the condition of five years' residence in the territory of that Member State, constitute a restriction which infringes Articles 18, 49, 63 and 345 TFEU?

More specifically, does that condition for the acquisition of ownership constitute a disproportionate measure which fundamentally infringes the prohibition of discrimination under Article 18 TFEU and the principles of free movement of capital and freedom of establishment within the Union which are enshrined in Articles 49 and 63 TFEU and Article 45 of the Charter of Fundamental Rights of the European Union?

**Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 26 August 2022 —
A, B and Association C v Skatteministeriet**

(Case C-573/22)

(2022/C 424/41)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicants: A, B and Association C

Defendant: Skatteministeriet

Questions referred

1. Is Article 370, read in conjunction with point 2 of Annex X, Part A, of Council Directive 2006/112/EC⁽¹⁾ of 28 November 2006 on the common system of value added tax, to be interpreted as permitting the Member States concerned to impose VAT on a statutory media licence fee to finance the non-commercial activities of public radio and television bodies, notwithstanding the absence of a 'supply of services for consideration' within the meaning of Article 2(1) of that Directive?

If question 1 is answered in the affirmative, the Court of Justice is asked to answer the following questions referred for a preliminary ruling:

2. Is Article 370, read in conjunction with point 2 of Annex X, Part A, of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, to be interpreted as meaning that a Member State's option to impose VAT on a statutory media licence fee as specified in question 1 may be maintained if, after the entry into force, on 1 January 1978, of Directive 77/388/EEC⁽²⁾ of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes (Sixth Directive), the Member State has altered the licensing system from charging a licence fee for possessing radio and television equipment to charging a licence fee for possessing any device which can receive audiovisual programmes and services directly, including smartphones, computers, etc.?

3. Is Article 370, read in conjunction with point 2 of Annex X, Part A, of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, to be interpreted as meaning that a Member State's option to impose VAT on a statutory media licence fee as specified in question 1 may be maintained if, after the entry into force, on 1 January 1978, of Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States