

Pleas in law and main arguments

The Commission puts forward a single ground of appeal. In finding that the contested decision failed to give adequate reasons to enable the effect of the aid on trade and competition to be identified, the Court of First Instance has infringed Article 87(1) EC, read in conjunction with Article 253 EC, and has stated contradictory grounds for the judgment.

Reference for a preliminary ruling from the Sąd Okręgowy w Koszalinie (Poland) lodged on 8 December 2006 — Halina Nerkowska v Zakład Ubezpieczeń Społecznych

(Case C-499/06)

(2007/C 20/21)

Language of the case: Polish

Referring court

Sąd Okręgowy w Koszalinie (Regional Court, Koszalin)

Parties to the main proceedings

Applicant: Halina Nerkowska

Defendant: Zakład Ubezpieczeń Społecznych Oddział w Koszalinie

Question referred

Does Article 18 EC, which guarantees citizens of the European Union the right to move and reside freely within the territory of the Member States, preclude the binding force of the national rules laid down in Article 5 of the Ustawa o zaopatrzeniu inwalidów wojennych i wojskowych oraz ich rodzin (Law on provision for war and military invalids and their families) of 29 May 1974 (*Dziennik Ustaw* (Journal of Laws) of 2 September 1987, as subsequently amended) in so far as they make payment of a pension benefit for incapacity for work that is linked to a stay in places of isolation subject to fulfilment of the condition that the person entitled be resident in the territory of the Polish State?