

**Parties to the main proceedings**

*Applicant:* Edyta Joanna Jakubowska

*Defendant:* Alessandro Maneggia

**Re:**

Reference for a preliminary ruling — Giudice di pace di Cortona — Interpretation of Article 6 of Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of the freedom to provide services (OJ 1977 L 78, p. 17), Article 8 of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate the practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ 1998 L 77, p. 36), and Articles 3, 4, 10, 81 and 98 EC — National rules providing for the incompatibility of the practice of the profession of lawyer concurrently with employment as a part-time public employee — Removal from the register of lawyers who did not choose between private practice and part-time employment.

**Operative part of the judgment**

- Articles 3(1)(g) EC, 4 EC, 10 EC, 81 EC and 98 EC do not preclude national rules which prevent part-time public officials from practising the profession of lawyer, despite their being qualified to do so, by laying down that they are to be removed from the register of the competent Bar Council;
- Article 8 of Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained must be interpreted as meaning that it is open to a host Member State to impose on lawyers registered with a Bar in that Member State who are also, whether full or part-time, in the employ of another lawyer, an association or firm of lawyers, or a public or private enterprise, restrictions on the exercise of the profession of lawyer concurrent with that employment, provided that those restrictions do not go beyond what is necessary in order to attain the objective of preventing conflicts of interest and apply to all the lawyers registered in that Member State.

**Judgment of the Court (Third Chamber) of 2 December 2010 (reference for a preliminary ruling from the High Court of Justice of England and Wales, Chancery Division (United Kingdom)) — Everything Everywhere Ltd (formerly T-Mobile UK Ltd) v The Commissioners of Her Majesty's Revenue & Customs**

(Case C-276/09) <sup>(1)</sup>

*(Sixth VAT Directive — Exemption — Article 13B(d)(1) and (3) — Negotiation of credit — Transactions concerning payments and transfers — Existence of two separate supplies of services or of a single supply — Additional charges invoiced where certain methods of payment are used for mobile telephone services)*

(2011/C 30/09)

Language of the case: English

**Referring court**

High Court of Justice of England and Wales, Chancery Division

**Parties to the main proceedings**

*Applicant:* Everything Everywhere Limited (formerly T-Mobile UK Ltd)

*Defendant:* The Commissioners of Her Majesty's Revenue & Customs

**Re:**

Reference for a preliminary ruling — High Court of Justice of England and Wales, Chancery Division — Interpretation of Art. 13B(d)(3) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Exemptions — Scope — Meaning of 'services having the effect of transferring funds and entailing changes in the legal and financial situation' — Services debiting one account and crediting another account by the corresponding amount — Services not including the carrying out of tasks consisting in debiting one account and crediting another with the corresponding amount but which, where a transfer of funds results, may be seen as having been the cause of that transfer — System of payment for calls from a mobile telephone

**Operative part of the judgment**

*For the purposes of collecting value added tax, the additional charges invoiced by a provider of telecommunications services to its customers, where the latter pay for those services not by Direct Debit or by Bankers' Automated Clearing System transfer but by credit card, debit card, cheque or cash over the counter at a bank or authorised*

<sup>(1)</sup> OJ C 205, 29.8.2009.

payment agent acting on behalf of that service provider, do not constitute consideration for a supply of services distinct and independent from the principal supply of services consisting in the supply of telecommunications services.

<sup>(1)</sup> OJ C 267, 7.11.2009.

**Judgment of the Court (Eighth Chamber) of 2 December 2010 (references for a preliminary ruling from the Simvoulio tis Epikratias (Greece)) — Vassiliki Stylianou Vandorou (C-422/09), Vassilios Alexandrou Giankoulis (C-425/09), Ioannis Georgiou Askoxilakis (C-426/09) v Ipourgos Ethnikis Pedias kai Thriskevmaton**

(Joined Cases C-422/09, C-425/09 and C-426/09) <sup>(1)</sup>

(Articles 39 EC and 43 EC — Directive 89/48/EC — Recognition of diplomas — ‘Professional experience’)

(2011/C 30/10)

Language of the case: Greek

#### Referring court

Simvoulio tis Epikratias

#### Parties to the main proceedings

Applicants: Vassiliki Stylianou Vandorou (C-422/09), Vassilios Alexandrou Giankoulis (C-425/09), Ioannis Georgiou Askoxilakis (C-426/09)

Defendant: Ipourgos Ethnikis Pedias kai Thriskevmaton

#### Re:

Reference for a preliminary ruling — Simvoulio tis Epikratias — Interpretation of Art. 4(1)(b) of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16) — Interpretation of Art. 1(3) of Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (OJ 2001 L 206, p. 1) — Access to or pursuit of a regulated profession under the same conditions as nationals — Profession of accountant/tax advisor — ‘Professional experience’

#### Operative part of the judgment

A national authority responsible for recognition of professional qualifications acquired in another Member State is bound, pursuant to Articles 39 EC and 43 EC, to take into account, when setting any supplementary requirements to compensate for substantial differences between the education and training undertaken by an applicant and the education and training required in the host Member State, all practical experience which, in whole or in part, covers those differences.

<sup>(1)</sup> OJ C 24, 30.1.2010.

**Judgment of the Court (Second Chamber) of 25 November 2010 (reference for a preliminary ruling from the Verwaltungsgericht Halle (Germany)) — Günter Fuß v Stadt Halle**

(Case C-429/09) <sup>(1)</sup>

(Social policy — Protection of the safety and health of workers — Directives 93/104/EC and 2003/88/EC — Organisation of working time — Fire-fighters employed in the public sector — Article 6(b) of Directive 2003/88/EC — Maximum weekly working time — Exceeded — Reparation for loss or damage caused by breach of European Union law — Conditions on which right to reparation depends — Procedural rules — Obligation to make a prior application to the employer — Form and extent of reparation — Additional time off in lieu or financial compensation — Principles of equivalence and effectiveness)

(2011/C 30/11)

Language of the case: German

#### Referring court

Verwaltungsgericht Halle

#### Parties to the main proceedings

Applicant: Günter Fuß

Defendant: Stadt Halle

#### Re:

Reference for a preliminary ruling — Verwaltungsgericht Halle — Interpretation of Council Directive 93/104/EC of 23 November 1993 (OJ 1993 L 307, p. 18) and 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 (OJ 2003 L 299, p. 9) and, in particular, Article 6(b), Article 16(b) and the second paragraph of Article 19 of Directive 2003/88/EC — National rules providing, in contravention of those directives, a working time exceeding 48 hours per week for officials on operational duties in the professional fire service — Right of an official who has exceeded the maximum number of working hours to compensation in the form of time off in lieu or financial remuneration