

Reference for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 16 October 2009 — Marie Landtová v Česká správa sociálního zabezpečení

(Case C-399/09)

(2010/C 24/31)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: Marie Landtová

Defendant: Česká správa sociálního zabezpečení

Questions referred

1. Must point 6 in Part A of Annex III in connection with Article 7(2)(c) of Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, ⁽¹⁾ according to which the criterion for determining the successor state competent to take into account the insurance period completed by employed persons up to 31 December 1992 in the social security system of the former Czech and Slovak Federal Republic is to remain applicable, be interpreted as precluding the application of a rule of national law according to which a Czech social security institution is to take into account fully, with regard to the entitlement to a benefit and the fixing of the amount thereof, the insurance period completed in the territory of the former Czech and Slovak Federal Republic up to 31 December 1992, even though, according to the above mentioned criterion, it is a social security institution of the Slovak Republic which is competent to take it into account?
2. If the first question is answered in the negative, must Article 12 of the Treaty establishing the European Community in conjunction with Articles 3(1), 10 and 46 of the Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community be interpreted as precluding that the insurance period completed in the social security system of the former Czech and Slovak Federal Republic up to 31 December 1992, which has already been taken into account once to the same extent for benefit purposes in the social security system of the Slovak Republic, be, pursuant to the above mentioned national rule, taken fully into account, with regard to the entitlement to old age benefit and the fixing of the amount thereof, only in respect of nationals of the Czech Republic resident in its territory?

Reference for a preliminary ruling from the Tribunalul Sibiu (Romania) lodged on 16 October 2009 — Ioan Tatu v Romanian State represented by the Ministerul Finanțelor și Economiei, Direcția Generală a Finanțelor Publice Sibiu, Administrația Finanțelor Publice Sibiu, Administrația Fondului pentru Mediu, Ministerul Mediului

(Case C-402/09)

(2010/C 24/32)

Language of the case: Romanian

Referring court

Tribunalul Sibiu

Parties to the main proceedings

Applicant: Ioan Tatu

Defendants: Romanian State, represented by the Ministerul Finanțelor și Economiei, Direcția Generală a Finanțelor Publice Sibiu, Administrația Finanțelor Publice Sibiu, Administrația Fondului pentru Mediu, Ministerul Mediului

Question referred

Are the provisions of OUG No 50/2008 [introducing a pollution tax for motor vehicles] ⁽¹⁾, as subsequently amended (by OUG No 208/2008 ⁽²⁾ and OUG No 218/2008 ⁽³⁾), contrary to the provisions of Article 90 of the EC Treaty, and do they constitute a measure which is manifestly discriminatory?

⁽¹⁾ OUG No 50/2008 introducing a pollution tax for motor vehicles, M.Of. No 237, 25.4.2008.

⁽²⁾ OUG No 208/2008 implementing certain measures concerning the pollution tax for motor vehicles, M. Of. No 825, 8.12.2008.

⁽³⁾ OUG No 836 amending the Ordonanța de urgență a Guvernului No 50/2008 on the introduction of the pollution tax for motor vehicles, M Of. No 836, 11.12.2008.

Reference for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 28 October 2009 — Polska Telefonia Cyfrowa sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej

(Case C-410/09)

(2010/C 24/33)

Language of the case: Polish

Referring court

Sąd Najwyższy

⁽¹⁾ OJ, English Special Edition 1971 (II), p. 416.