

Reference for a preliminary ruling from the Landesarbeitsgericht Berlin-Brandenburg (Germany), lodged on 29 March 2011 — Ahmed Mahamdia v People's Democratic Republic of Algeria

(Case C-154/11)

(2011/C 173/10)

Language of the case: German

Referring court

Landesarbeitsgericht Berlin-Brandenburg

Parties to the main proceedings

Applicant: Ahmed Mahamdia

Defendant: People's Democratic Republic of Algeria

Questions referred

1. Does an embassy of a State outside the scope of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ('Regulation No 44/2001')⁽¹⁾ which is situated in a Member State constitute a branch, agency or other establishment within the meaning of Article 18(2) of Regulation No 44/2001?
2. If the answer to the first question should be in the affirmative:

Can an agreement conferring jurisdiction reached prior to the existence of a dispute confer jurisdiction on a court outside the scope of Regulation No 44/2001, if, by virtue of the agreement conferring jurisdiction, the jurisdiction conferred under Articles 18 and 19 of Regulation No 44/2001 would not apply?

⁽¹⁾ OJ 2001 L 12, p. 1.

Reference for a preliminary ruling from the Tribunale di Napoli (Italy) lodged on 31 March 2011 — Giuseppe Sibilio v Comune di Afragola

(Case C-157/11)

(2011/C 173/11)

Language of the case: Italian

Referring court

Tribunale di Napoli

Parties to the main proceedings

Applicant: Giuseppe Sibilio

Defendant: Comune di Afragola

Questions referred

1. Is Directive 1999/70/EC⁽¹⁾ applicable to socially useful workers or should such workers be regarded, in accordance with Clause 3(1) thereof, as persons having an employment relationship entered into directly between an employer and a worker where the end of the employment relationship is determined by objective conditions such as reaching a specific date, being in the present case the end of a project?
2. Does Clause 4 preclude a socially useful worker or a publicly useful worker from receiving less remuneration than a permanent worker who carries out the same duties and has the same length of service solely because his employment relationship was initiated on the terms described above, or does this constitute an objective reason justifying less favourable treatment in terms of pay?

⁽¹⁾ OJ 1999 L 175, p. 43.

Reference for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 1 April 2011 — Azienda Sanitaria Locale di Lecce v Ordine degli Ingegneri della Provincia di Lecce and Others — Università del Salento

(Case C-159/11)

(2011/C 173/12)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Azienda Sanitaria Locale di Lecce

Defendants: Ordine degli Ingegneri della Provincia di Lecce; Consiglio Nazionale degli Ingegneri; Associazione delle Organizzazioni di Ingegneri, di Architettura e di Consultazione Tecnico-Economica (Oice); Etacons Srl; Ing. Vito Prato Engineering Srl; Barletti — del Grosso & Associati Srl; Ordine degli Architetti della Provincia di Lecce; Consiglio Nazionale degli Architetti Pianificatori, Paesaggisti e Conservatori (Cnappc)

Intervener: Università del Salento

Question referred

Does Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽¹⁾ and, in particular, Article 1(2)(a) and (d), Article 2 and Article 28 of that directive and Categories 8 and 12 in Annex II thereto, preclude national legislation which permits written agreements to be entered into between two contracting authorities for the study of the seismic vulnerability of hospital buildings and its evaluation in the light of national regulations on the safety of structures and of strategic buildings in particular, for a consideration not exceeding the costs incurred in the performance of the service, where the authority responsible for performance is capable of acting in the capacity of an economic operator?

⁽¹⁾ OJ L 134, p. 114.

Reference for a preliminary ruling from the Tribunale di Trani (Italy) lodged on 1 April 2011 — Cosimo Damiano Vino v Poste Italiane SpA

(Case C-161/11)

(2011/C 173/13)

Language of the case: Italian

Referring court

Tribunale di Trani

Parties to the main proceedings

Applicant: Cosimo Damiano Vino

Defendant: Poste Italiane SpA

Questions referred

- (a) Does the general Community principle of non-discrimination and equality preclude national rules (such as that laid down by Article 2(1)a of Legislative Decree No 368/2001) which introduced into the national legal order an 'acausal' case that places at a disadvantage employees of Poste Italiane SpA, and, in relation to that company, other undertakings in the same sector or in other sectors?
- (b) if the answer to the foregoing question is in the affirmative, is the national court required to disapply (or not to apply) the national rules which are contrary to Community law?

Reference for a preliminary ruling from the Audiencia Provincial de Oviedo (Spain) lodged on 5 April 2011 — Angel Lorenzo González Alonso v Nationale Nederlanden Vida Cia De Seguros y Reaseguros S.A.E

(Case C-166/11)

(2011/C 173/14)

Language of the case: Spanish

Referring court

Audiencia Provincial de Oviedo

Parties to the main proceedings

Applicant: Angel Lorenzo González Alonso

Defendant: Nationale Nederlanden Vida Cia De Seguros y Reaseguros S.A.E.

Question referred

Must Article 3(2)(d) of Council Directive 85/577/EEC ⁽¹⁾ of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises be interpreted restrictively so as not to cover a contract, concluded away from business premises, under which life assurance is offered in return for payment of a monthly premium to be invested, in varying proportions, in fixed-rate investments, variable-rate investments and financial investment products of the company itself?

⁽¹⁾ OJ 1985 L 372, p. 31.

Appeal brought on 5 April 2011 by Cantiere Navale De Poli SpA against the judgment of the General Court (Eighth Chamber) delivered on 3 February 2011 in Case T-584/08 Cantiere Navale De Poli v Commission

(Case C-167/11 P)

(2011/C 173/15)

Language of the case: Italian

Parties

Appellant: Cantiere Navale De Poli SpA in liquidation and arrangement with creditors (represented by: A. Abate and A. Franchi, avvocati)

Other party to the proceedings: European Commission