

4. Is the list in Point 19(4)(b) in Annex XVII to the REACH Regulation of the uses of CCA-treated wood to be interpreted as meaning that that inventory exhaustively lists all the possible uses?
5. Can the use of the wood at issue as underlay and duckboards for a hiking trail be treated in the same way as the uses listed in the inventory referred to in question 4 above, so that the use in question may be permitted on the basis of Point 19(4)(b) of Annex XVII to the REACH Regulation if the other conditions are met?
6. Which factors are to be taken into account in order to assess whether repeated skin contact within the meaning of Point 19(4)(d) of Annex XVII to the REACH Regulation is possible?
7. Does the word 'possible' in the point mentioned in question 6 above mean that repeated skin contact is theoretically possible or that repeated skin contact is actually possible to some extent?

do provisions of law allowing unpaid leave for union business to be granted to workers with a fixed-term employment relationship in the public sector who do not hold an established post and who are officials of a trade union organisation introduce a 'working condition' within the meaning of Article 137(1)(b) EC and an 'employment condition' in accordance with Clause 4(1) of the framework agreement [Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP] or does this question come within the areas of pay and the right of association to which EU law does not apply?

2. If the answer to Question 1 is in the affirmative, is a worker with a private-law employment relationship of indefinite duration with the civil service who holds an established post and is employed on the same work as a worker with a private-law fixed-term employment relationship who does not hold an established post 'comparable' to that worker within the meaning of Clauses 3(2) and 4(1), of the framework agreement or does the fact that the national Constitution (Article 103) and its implementing laws provide for a special employment regime for such workers (terms of employment and specific safeguards in accordance with Article 103(3) of the Constitution) suffice to classify them as not 'comparable' to workers with a private-law fixed-term employment relationship who do not hold an established post?

3. If the answers to Questions 1 and 2 are in the affirmative:

- (a) If the effect of a combination of national legislative provisions is that public sector employees with an employment relationship of indefinite duration who hold an established post and who are officials of a second-level trade union organisation receive paid leave (up to nine days a month) for trade union business, while workers in the same service with a fixed-term employment relationship who do not hold an established post but who do have the same trade union status receive unpaid leave of the same duration for trade union business, does the distinction in question constitute less favourable treatment of the second category of workers within the meaning of Clause 4(1) of the framework agreement and

- (b) Do the fixed term of the employment relationship of the second category of workers and the fact that that category is distinct in terms of the employment regime in general (terms of recruitment, promotion and termination of the employment relationship) constitute objective grounds that might justify that discrimination?

4. Does the distinction at issue between trade union officials who are workers with a contract of indefinite duration and who hold an established position in the civil service and fixed-term workers with the same trade union status who do not hold an established post in the same service infringe the principle of non-discrimination in the pursuit of trade union rights in accordance with Articles 12, 20, 21 and 28

**Reference for a preliminary ruling from the Eleggiko Sinedrio (Court of Auditors) (Greece) lodged on 7 July 2011 — Commissioner of the Court of Auditors at the Ministry of Culture and Tourism v Audit Service of the Ministry of Culture and Tourism and Konstantinos Antonopoulos**

(Case C-363/11)

(2011/C 269/77)

*Language of the case: Greek*

**Referring court**

Eleggiko Sinedrio (Court of Auditors)

**Parties to the main proceedings**

*Applicant:* Commissioner of the Court of Auditors at the Ministry of Culture and Tourism

*Defendant:* Audit Service of the Ministry of Culture and Tourism and Konstantinos Antonopoulos

**Questions referred**

1. Does payment or non-payment of remuneration to a worker during leave of absence from work on trade union business constitute a working condition or employment condition under European Union law ('EU law') and, in particular,

of the Charter of Fundamental Rights of the European Union or can that distinction be justified on the grounds that the two categories of workers have a different employment status?

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**Reference for a preliminary ruling from the Simvoulio tis Epikratias (Greece) lodged on 13 July 2011 — Panellinios Sindesmos Viomikhanion Metapiisis Kapnou v Ipourgos Ikonomias kai Ikonomikon and Ipourgos Agrotikis Anaptixis kai Trofimon**

(Case C-373/11)

(2011/C 269/78)

*Language of the case: Greek*

**Referring court**

Simvoulio tis Epikratias

**Parties to the main proceedings**

*Applicant:* Panellinios Sindesmos Viomikhanion Metapiisis Kapnou

*Defendants:* Ipourgos Ikonomias kai Ikonomikon and Ipourgos Agrotikis Anaptixis kai Trofimon

**Question referred**

Is Article 69 of Regulation No 1782/2003, under which the Member States are permitted to set different retention percentages, up to the limit of 10 % of the component of national ceilings referred to in Article 41, for the making of an additional payment to producers, while observing the criteria set out in the third paragraph of Article 69, compatible, in permitting this differentiation as regards the retention percentage, with Articles 2 EC, 32 EC and 34 EC and with the objectives of ensuring a stable income for producers and maintaining rural areas?

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**Appeal brought on 21 June 2011 by Longevity Health Products, Inc. against the order of the General Court (Second Chamber) delivered on 15 April 2011 in Case T-95/11: Longevity Health Products v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**

(Case C-378/11 P)

(2011/C 269/79)

*Language of the case: English*

**Parties**

*Appellant:* Longevity Health Products, Inc. (represented by: J. Korab, Rechtsanwalt)

*Other party to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Form of order sought**

The applicant claims that the Court should:

- Admit the complaint filed by the company Longevity Health Products, Inc.;
- Annul the decision of the General Court of April 15, 2011, T-95/11;
- Order the Office for Harmonisation in the Internal Market to pay the costs.

**Pleas in law and main arguments**

The applicant submits that the contested order should be annulled on the following grounds:

- The reasoning of the General Court is defective;
- The General Court did not consider the arguments advanced by the holder of the trade mark.

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**Order of the President of the Court of 1 July 2011 (reference for a preliminary ruling from the Centrale Raad van Beroep (Netherlands)) — G.A.P. Peeters-van Maasdijk v Raad van Bestuur van het Uitvoeringsinstituut werknemersverzekeringen**

(Case C-455/10) <sup>(1)</sup>

(2011/C 269/80)

*Language of the case: Dutch*

The President of the Court has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 328, 4.12.2010.

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**Order of the President of the Court of 6 July 2011 — European Commission v Republic of Estonia**

(Case C-16/11) <sup>(1)</sup>

(2011/C 269/81)

*Language of the case: Estonian*

The President of the Court has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 63, 26.2.2011.