already firmly on the market, a result which, in accordance with the Court of Justice's case-law, infringes the freedom of establishment. This setting of rates and conditions for carriage is not consistent with Article 96(2) TFEU (as the Commission has not granted the requisite authorisation) and does not serve to protect vulnerable sectors of the economy and remote areas, whilst the setting by the Greek State of only minimum limits in respect of the charge for carriage of liquid fuels by commercial road vehicles is not consistent with the rules of free competition and must therefore be abolished immediately.

In addition, the Commission contends that Law 3054/2002 enables the Greek Government to control the number of private tankers on the road and the provision in question therefore infringes freedom of establishment, being one of that body of Greek legislative provisions which ultimately seek not only to preserve the closed nature of the profession of petroleum goods transporter but also to preserve the power of every company operating on that market. The administrative setting of the number of tankers of companies trading in petroleum products is not necessary for the adaptation of those undertakings to market conditions and is not justified on grounds of public security (road safety) and public health.

The Commission submits that the Hellenic Republic has not put forward sufficient explanation and details to justify the adoption of the foregoing restrictions, so that Article 4 of Law 383/1976 and Articles 6 and 7 of Law 3054/2002 together with the ministerial decisions concerning implementation of those laws and the imposition of set charges (between certain limits) for the transport services which are provided by commercial vehicles infringe Article 49 of the Treaty on the Functioning of the European Union (formerly Article 43 EC).

Reference for a preliminary ruling from the Rechtbank Amsterdam (Netherlands), lodged on 8 July 2010 — A. Salemink v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (UWV)

(Case C-347/10)

(2010/C 246/53)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

Applicant: A. Salemink

Defendant: Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (UWV)

Question referred

Do the rules forming part of European Community law which are designed to bring about free movement for workers, in particular the rules set out in Titles I and II of Regulation No 1408/71 ([1]) as well as in Articles 39 and 299 of the EC Treaty (now respectively Articles 45 TFEU and 52 TEU, in conjunction with Article 355 TFEU) preclude an employee working outside Netherlands territory on a fixed installation on the Netherlands section of the continental shelf for an employer established in the Netherlands from being in a position in which he is not insured under national statutory employee insurance solely on the ground that he is not resident in the Netherlands but in another Member State (in this case, Spain), even if he has Netherlands nationality and can also avail of the option to take out voluntary insurance under essentially the same conditions as those which apply to compulsory insurance?

([1]) Regulation of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ, English Special Edition 1971 (II), p. 416).

Reference for a preliminary ruling from the Augstākās tiesas Senāta Administratīvo lietu departaments (Republic of Latvia) lodged on 9 July 2010 — SIA Norma-A, SIA Dekom v Ludzas novada dome

(Case C-348/10)

(2010/C 246/54)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāta Administratīvo lietu departaments

Parties to the main proceedings

Applicants: SIA Norma-A, SIA Dekom

Defendant: Ludzas novada dome

Questions referred

1. Must Article 1(3)(b) of Directive 2004/17/EC [1] be interpreted as meaning that it is necessary to treat as a public service concession a contract under which the successful tenderer is granted the right to provide public bus services, in cases where part of the consideration consists in the right to operate the public transport services but where, at the same time, the contracting authority compensates the service provider for losses arising as a result of the provision of services, and in addition the public law provisions governing the provision of the service and the contractual provisions limit the risk associated with operation of the service?

2. If the first question is answered in the negative, has Article 2f(1)(b) of Directive 92/13/EEC, as amended by Directive 2007/66/EC, [2] been directly applicable in Latvia since 21 December 2009?

3. If the second question is answered in the affirmative, must Article 2f(1)(b) of Directive 92/13/EEC be interpreted as being applicable to public contracts entered into before the end of the period prescribed for domestic law to be brought into conformity with Directive 2007/66/EC?

[1] Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ 2004 L 134, p. 1).

[2] Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (Text with EEA relevance) (OJ 2007 L 335, p. 31).

Reference for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 12 July 2010 — Nordea Pankki Suomi Oyj

(Case C-350/10)

(2010/C 246/55)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant: Nordea Pankki Suomi Oyj

Question referred

Must points 3 and 5 of Article 13B(d) of the Sixth VAT Directive 77/388/EEC [1] be interpreted as meaning that the swift services described in section 1 of this order used in payment transactions and securities transaction settlements between financial institutions are exempt from value added tax?

[1] 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

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Action brought on 13 July 2010 — European Commission v Hellenic Republic

(Case C-353/10)

(2010/C 246/56)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia)

Defendant: Hellenic Republic

Form of order sought

— declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel, [1] or in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of Directive 2006/117 into domestic law expired on 25 December 2008.

[1] OJ No L 337 of 5.12.2006, p. 21.