

Reference for a preliminary ruling from High Court of Justice (Chancery Division) (United Kingdom) made on 14 June 2007 — The Commissioners of Her Majesty's Revenue & Customs v Isle of Wight Council, Mid-Suffolk District Council, South Tyneside Metropolitan Borough Council, West Berkshire District Council

(Case C-288/07)

(2007/C 199/35)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicant: The Commissioners of Her Majesty's Revenue & Customs

Defendants: Isle of Wight Council, Mid-Suffolk District Council, South Tyneside Metropolitan Borough Council, West Berkshire District Council

Questions referred

1. Is the expression 'distortions of competition' to be ascertained on a public body by public body basis such that, in the context of the present case, it should be determined by reference to the area or areas where the particular body in question provides off-street parking or by reference to the totality of the national territory of the Member States?
2. What is meant by the expression 'would lead to'? In particular, what degree of probability or level of certainty is required for that condition to be satisfied?
3. What is meant by the word 'significant'? In particular, does 'significant' mean an effect on competition that is more than trivial or *de minimis*, a 'material' effect or an 'exceptional' effect?

Reference for a preliminary ruling from the Rechtbank van koophandel te Antwerpen (Belgium) lodged on 27 June 2007 — Galatea BVBA v Sanoma Magazines Belgium NV

(Case C-299/07)

(2007/C 199/36)

Language of the case: Dutch

Referring court

Rechtbank van koophandel te Antwerpen

Parties to the main proceedings

Applicant: Galatea BVBA

Defendant: Sanoma Magazines Belgium NV

Question referred

Do Article 49 of the EC Treaty concerning the freedom to provide services and Directive 2005/29/EC ⁽¹⁾ of the European Parliament and of the Council concerning unfair commercial practices preclude national legislation, such as Article 54 of the Belgian Law of 14 July 1991 on trade practices and consumer information and protection, which — except in the cases listed exhaustively in that law — prohibits any linked offer by a vendor to a consumer whereby the acquisition, whether or not free of charge, of products, services, advantages or vouchers with which they can be obtained is linked to the acquisition of other, even identical, products or services, and this regardless of the circumstances of the case, and especially regardless of the influence which the specific offer may have on the average consumer and regardless of whether that offer can be considered in the specific circumstances to be contrary to professional diligence or fair commercial practices?

⁽¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation No 2006/2004 of the European Parliament and of the Council (OJ 2005 L 149, p. 22).

Action brought on 4 July 2007 — Commission of the European Communities v Portuguese Republic

(Case C-307/07)

(2007/C 199/37)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: H. Støvlbæk and P. Andrade, Agents)

Defendant: Portuguese Republic

Form of order sought

- Declare that the Portuguese Republic, by failing to recognise diplomas which give access to the profession of pharmacist specialising in medical biology, has failed in relation to that profession to fulfil its obligations under Directive 89/48/EEC ⁽¹⁾.
- Order the Portuguese Republic to pay the costs.