

**Questions referred**

1. Does Article 43 EC (in conjunction with Article 48 EC) preclude the application of national legislation under which authorisation is required to set up a private hospital in the form of an independent outpatient clinic for dental medicine (dental clinic) and that authorisation is to be refused if, according to the stated purpose of the institution and the range of services envisaged, there is no need for the planned outpatient dental clinic having regard to the existing provision of care by established doctors working on a contractual basis with sickness funds, institutions owned by sickness funds and institutions contracted to sickness funds and by established dentists working on a contractual basis with sickness funds?
2. Is the answer to Question 1 any different if the existing provision of care by outpatient clinics of public, private non-profit making and other hospitals working on a contractual basis with sickness funds is also to be included in the examination as to need?

Reference for a preliminary ruling from the Oberlandesgericht Frankfurt am Main (Germany) lodged on 2 April 2007 — Emirates Airlines Direktion für Deutschland v Diether Schenkel

(Case C-173/07)

(2007/C 155/16)

*Language of the case: German*

**Referring court**

Oberlandesgericht Frankfurt am Main

**Parties to the main proceedings**

*Applicant:* Emirates Airlines Direktion für Deutschland

*Defendant:* Diether Schenkel

**Question referred**

Is Article 3(1)(a) of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 estab-

lishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (<sup>(1)</sup>), to be interpreted as meaning that 'a flight' includes in any event the flight from the point of departure to the destination and back in the case where the outward and return flights are booked at the same time?

(<sup>(1)</sup>) OJ 2004 L 46, p. 1.

Reference for a preliminary ruling from House of Lords (United Kingdom) made on 2 April 2007 — Riunione Adriatica Di Sicurta SpA (RAS) v West Tankers Inc.

(Case C-185/07)

(2007/C 155/17)

*Language of the case: English*

**Referring court**

House of Lords

**Parties to the main proceedings**

*Applicant:* Riunione Adriatica Di Sicurta SpA (RAS)

*Defendant:* West Tankers Inc.

**Question referred**

Is it consistent with EC Regulation 44/2001 (<sup>(1)</sup>) for a court of a Member State to make an order to restrain a person from commencing or continuing proceedings in another Member State on the ground that such proceedings are in breach of an arbitration agreement?

(<sup>(1)</sup>) Council Regulation (EC) of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, p. 1).