Reference for a preliminary ruling from the Handelsgericht Wien (Austria) lodged on 25 October 2007 — Budějovický Budvar národní podnik v Rudolf Ammersin GmbH

(Case C-478/07)

(2008/C 22/45)

Language of the case: German

Referring court

Handelsgericht Wien

Parties to the main proceedings

Applicant: Budějovický Budvar národní podnik

Defendant: Rudolf Ammersin GmbH

Questions referred

1. In its judgment of 18 November 2003 in Case C-216/01 the Court of Justice defined the requirements for the compatibility with Article 28 EC of the protection of a designation as a geographical indication which in the country of origin is the name neither of a place nor of a region, namely that such a designation must,

   — according to the factual circumstances and

   — perceptions in the country of origin, designate a region or a place in that State,

   — and that its protection must be justified there on the basis of the criteria laid down in Article 30 EC.

   Do those requirements mean:

   1.1. that the designation as such fulfils a specific geographical indication function referring to a particular place or a particular region, or does it suffice that the designation is capable, in conjunction with the product bearing it, of informing consumers that the product bearing it comes from a particular place or a particular region in the country of origin;

   1.2. that the three conditions are conditions to be examined separately and to be satisfied cumulatively;

   1.3. that a consumer survey is to be carried out for ascertaining perceptions in the country of origin, and, if so, that that a low, medium or high degree of recognition and association is required;

   1.4. that the designation has actually been used as a geographical indication by several undertakings, not just one undertaking, in the country of origin and that use as a trade mark by a single undertaking precludes protection?

2. Does the circumstance that a designation has not been notified or its registration applied for either within the six-month period provided for in [Commission] Regulation (EC) No 918/2004 [of 29 April 2004 introducing transitional arrangements for the protection of geographical indications and designations of origin for agricultural products and foodstuffs in connection with the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia] ([1]) or otherwise in the context of [Council] Regulation (EC) No 510/2006 [of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs] ([2]) mean that existing national protection, or in any case protection that has been extended bilaterally to another Member State, becomes void if the designation is a qualified geographical indication under the national law of the State of origin?

3. Does the circumstance that, in the context of the Treaty of Accession between the Member States of the European Union and a new Member State, the protection of several qualified geographical indications for a foodstuff has been claimed by that Member State in accordance with Regulation (EC) No 510/2006 mean that national protection, or in any case protection that has been extended bilaterally to another Member State, for another designation for the same product may no longer be maintained, and Regulation (EC) No 510/2006 has preclusive effect to that extent?

([1]) OJ L 163 of 30.4.2004, p. 88.
([2]) OJ L 93 of 31.3.2006, p. 12.

Reference for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 5 November 2007 — Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen v H. Akdas and Others

(Case C-485/07)

(2008/C 22/46)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Applicant: Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

Defendants: H. Akdas and Others

Questions referred

1. Having regard to the wording, objective and nature of Article 6(1) of Decision 3/80 ([1]) and to the objective and nature of the Association Agreement ([2]), does that provision contain a clear and accurately defined obligation whose fulfilment and effect does not require any supplementary measures, it therefore being appropriate for that provision to have direct effect?

2. If the answer to the first question is affirmative:

   2.1 In the application of Article 6(1) of Decision 3/80, must account be taken in any way of the amendments to Regulation No 1408/71 ([3]), such as those which have been made since 19 September 1980 with respect to special benefits which are not based on the payment of premiums or contributions?

   2.2 In this connection, is Article 59 of the Additional Protocol ([4]) to the Association Agreement of significance?

3. Must Article 9 of the Association Agreement be interpreted as precluding the application of a Member State's legislation, such as Article 4a of the Netherlands TW, which results in an indirect distinction being made on grounds of nationality,

   — firstly, because the number of nationals of countries other than the Netherlands, including a large group of Turkish nationals, who are not, or no longer, entitled to a supplementary benefit because they are no longer resident in the Netherlands, is higher than such persons having Dutch nationality, and

   — secondly, because the supplementary benefits of Turkish nationals resident in Turkey have been withdrawn since 1 July 2003, whereas the phasing out of the supplementary benefits of nationals of a Member State of the EU and of third countries, provided that they are resident in the territory of the EU, did not begin until 1 January 2007?

([1]) Decision 3/80 of the Association Council of 19 September 1980 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families (OJ 1983 C 110, p. 60).

([2]) Agreement establishing an Association between the European Economic Community and Turkey, which was signed in Ankara on 12 September 1963 by the Republic of Turkey on the one hand and the Member States of the EEC and the Community on the other hand and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 (OJ 1973 C 133, p. 1).

([3]) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ, English special edition 1971 (II), p. 416).

([4]) Additional Protocol signed at Brussels on 23 November 1970 and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972 (OJ 1973 C 133, p. 17).

Reference for a preliminary ruling from the Corte Suprema di Cassazione (Italy) lodged on 5 November 2007 — Agenzia per le Erogazioni in Agricoltura (AGEA) v Consorzio Agrario di Ravenna Soc. Coop. Arl

(Case C-486/07)

(2008/C 22/47)

Language of the case: Italian

Referring court

Corte Suprema di Cassazione

Parties to the main proceedings

Applicant: Agenzia per le Erogazioni in Agricoltura (AGEA)

Defendant: Consorzio Agrario di Ravenna Soc. Coop. Arl

Question referred

'On the basis of the EEC regulations in force at the time of the facts of the case (1994 to 1995) on the sale of cereals held by intervention agencies, do the price reductions laid down in respect of the presence of a higher moisture content than that of the standard quality apply also to the sale of maize?'

Reference for a preliminary ruling from the Amtsgericht Lahr (Germany) lodged on 6 November 2007 — Pia Messner v Firma Stefan Krüger

(Case C-489/07)

(2008/C 22/48)

Language of the case: German

Referring court

Amtsgericht Lahr

Parties to the main proceedings

Applicant: Pia Messner

Defendants: Stefan Krüger, SFK Laptophandel