

Reference for a preliminary ruling by the Cour d'arbitrage by judgment of that Court of 29 October 2003 in the case brought by H. Clerens against Walloon Region

(Case C-480/03)

(2004/C 35/05)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour d'arbitrage of 29 October 2003, received at the Court Registry on 18 November 2003, for a preliminary ruling in the case brought by H. Clerens against Walloon Region on the following questions:

1. Must Council Directive 79/409/EEC of 2 April on the conservation of wild birds⁽¹⁾ be interpreted as not authorising Member States to introduce rules which also apply to birds mentioned in Annex I to the Directive that are born and reared in captivity?
2. Must that directive be interpreted as authorising Member States to lay down rules to protect birds born and reared in captivity only to the extent that those rules apply solely to trade in those birds, or may those rules apply to all the operations which trade in birds may entail?

⁽¹⁾ OJ L 103 of 25.04.1979, p. 1.

- (a) in the relevant circumstances, was the Appellant a 'taxable person acting as such' within Art.2(1) of the Sixth Directive when, in the 26 transactions, it acquired the CPUs from the UK vendors and sold them to the non-UK purchasers?
- (b) in the relevant circumstances, was the Appellant carrying on an 'economic activity' within Art.4 of the Sixth Directive when, in the 26 transactions, it acquired the CPUs from the UK vendors and sold them to the non-UK purchasers?
- (c) in the relevant circumstances, was the acquisition by the Appellant, in the 26 transactions, of the CPUs from the UK vendors a 'supply of goods' to the Appellant within Art.5(1) of the Sixth Directive?
- (d) in the relevant circumstances, was the sale by the Appellant, in the 26 transactions, of the CPUs to the non-UK purchasers a 'supply of goods' by the Appellant within Art.5(1) of the Sixth Directive?

2. Do the answers to Question 1(a)-(d) above give rise to any breach of the general principles of Community law (in particular, the principles of proportionality and legal certainty)?

Action brought on 1 December 2003 by the Commission of the European Communities against Ireland

(Case C-507/03)

(2004/C 35/07)

Reference for a preliminary ruling by the High Court of Justice (England & Wales) Chancery Division by order of that court dated 27 October 2003, in the case of Bond House Systems Ltd against Commissioners of Customs and Excise

(Case C-484/03)

(2004/C 35/06)

Reference has been made to the Court of Justice of the European Communities by an order of the High Court of Justice (England & Wales) Chancery Division dated 27 October 2003, which was received at the Court Registry on 19 November 2003, for a preliminary ruling in the case of Bond House Systems Ltd and Commissioners of Customs and Excise on the following questions:

1. Having regard to the general principles of EC law (in particular, the principles of proportionality and legal certainty) and to Article 28 of the EC Treaty:

An action against Ireland was brought before the Court of Justice of the European Communities on 1 December 2003 by the Commission of the European Communities, represented by K. Wiedner, acting as agent, assisted by J. E. Flynn QC, Barrister, with an address for service in Luxembourg.

The Applicant claims that the Court should:

1. declare that, in deciding to entrust the provision of services to An Post without undertaking any prior advertising, Ireland has failed to comply with its obligations under the Treaty; and
2. order Ireland to pay the Commission's costs.