

**Reference for a preliminary ruling from the Simvoulio tis Epikratias by decision of that court of 10 May 2005 in Enosi Efopliston Aktoploias, ANEK, Minoikes Grammes, N.E. Lesvou and Blue Star Ferries v Minister for Merchant Shipping and Minister for the Aegean**

(Case C-285/05)

(2005/C 243/11)

(Language of the case: Greek)

Reference has been made to the Court of Justice of the European Communities by decision of the Simvoulio tis Epikratias (Council of State, Greece) of 10 May 2005, received at the Court Registry on 15 July 2005, for a preliminary ruling in the proceedings between Enosi Efopliston Aktoploias, ANEK, Minoikes Grammes, N.E. Lesvou and Blue Star Ferries and the Minister for Merchant Shipping and the Minister for the Aegean on the following questions:

- (a) In accordance with Article 6(3) of Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ 1992 L 364), are individuals entitled to rely on that regulation to contest the validity of provisions adopted by the Greek legislature before 1 January 2004?
- (b) If the answer to the first question is in the affirmative, do Articles 1, 2, and 4 of Regulation (EEC) No 3577/92 permit the adoption of national rules under which ship-owners may provide maritime cabotage services only on specific operational routes determined each year by a national authority competent for that purpose and after first obtaining an administrative licence granted under an authorisation scheme having the following characteristics: (i) it relates to all operational routes, without exception, which serve islands, and (ii) the competent national authorities may approve an application submitted for the grant of a licence to operate a service by unilaterally amending, in the exercise of their discretion and without prior definition of the criteria applied, the elements of the application which relate to the frequency and the period of interruption of the service and to the fare tariff?
- (c) If the answer to the first question is in the affirmative, is a restriction on the freedom to provide services that is impermissible for the purposes of Article 49 of the Treaty establishing the European Community introduced by national

legislation which provides that a shipowner to whom the administration has granted a licence to operate a ship on a specified route (either after his application in that regard has been approved as it stands, or after it has been approved with amendments to certain of its elements, which he accepts) is in principle obliged to work the particular operational route continuously for the entire duration of the annual operational period, and that to secure compliance with this obligation imposed on him he must deposit, before the operational service commences, a letter of guarantee all or part of whose amount will be forfeited if the obligation in question is not complied with or not complied with precisely?

- (d) Do Article 5(2) and Article 6(3)(a), (b), (c), (f) and (g) of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships (OJ 1998 L 144) in the version in force at the material time, before its amendment by Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 (OJ 2003 L 123), permit a national rule which prohibits absolutely the operation on domestic voyages of ships which have reached a specified age?

**Reference for a preliminary ruling from the Efetio Patron by order of that court of 8 June 2005 in Irini Lekhoritou, V. Karkoulas, G. Pavlopoulos, P. Bratsikas, D. Sotiropoulos and G. Dimopoulos v the State of the Federal Republic of Germany**

(Case C-292/05)

(2005/C 243/12)

(Language of the case: Greek)

Reference has been made to the Court of Justice of the European Communities by order of the Efetio Patron (Court of Appeal, Patras) of 8 June 2005, received at the Court Registry on 20 July 2005, for a preliminary ruling in the proceedings between Irini Lekhoritou, V. Karkoulas, G. Pavlopoulos, P. Bratsikas, D. Sotiropoulos and G. Dimopoulos and the State of the Federal Republic of Germany on the following questions: