

3. Raad van bestuur van de Nederlandse Mededingingsautoriteit
4. Orange Nederland NV

Intervener: Vodafone Libertel BV

### Questions referred

1. When applying Article 81(1) EC, which criteria must be applied when assessing whether a concerted practice has as its object the prevention, restriction or distortion of competition within the common market?
2. Is Article 81 EC to be interpreted as meaning that, when a national court applies that provision, the evidence of a causal connection between concerted practice and market conduct must be adduced and appraised in accordance with the rules of national law, provided that those rules are not less favourable than the rules governing similar domestic actions and they do not make the exercise of the rights granted by Community law in practice impossible or excessively difficult?
3. When applying the concept of concerted practices in Article 81 EC, is there always a presumption of a causal connection between concerted practice and market conduct even if the concerted practice is an isolated event and the undertaking which took part in the practice remains active on the market or only in those cases in which the concerted practice has taken place with a certain degree of regularity over a lengthy period?

**Reference for a preliminary ruling from the Bundesgerichtshof lodged on 14 January 2008 — Agricultural matter involving Erich Stamm, Anneliese Hauser and Regierungspräsidium Freiburg**

(Case C-13/08)

(2008/C 92/20)

*Language of the case: German*

### Referring court

Bundesgerichtshof

### Parties to the main proceedings

Erich Stamm, Anneliese Hauser and Regierungspräsidium Freiburg

### Question referred

Must Article 15(1) of Annex I to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons <sup>(1)</sup> be interpreted as meaning that, as regards access to a self-employed activity and the pursuit thereof, only self-employed persons within the meaning of Article 12(1) of Annex I to the agreement are to be afforded no less favourable treatment in the host country than that accorded to its own nationals, or does this also apply to self-employed frontier workers within the meaning of Article 13(1) of Annex I to the agreement.

<sup>(1)</sup> OJ 2002 L 114, p. 6.

**Reference for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción nº 5 San Javier (Spain) lodged on 14 January 2008 — Roda Golf & Beach Resort SL**

(Case C-14/08)

(2008/C 92/21)

*Language of the case: Spanish*

### Referring court

Juzgado de Primera Instancia e Instrucción (Court of First Instance and Preliminary Investigations) nº 5 San Javier

### Parties to the main proceedings

*Applicant:* Roda Golf & Beach Resort SL

### Questions referred

1. Does the scope of Regulation (EC) No 1348/2000 <sup>(1)</sup> extend to the service of extrajudicial documents exclusively by and on private persons using the physical and personal resources of the courts and tribunals of the European Union and the regulatory framework of European law even when no court proceedings have been commenced? Or,
2. Does Regulation (EC) No 1348/2000 on the contrary apply exclusively in the context of judicial cooperation between Member States and court proceedings in progress (Articles 61(c), 67(1) and 65 EC and recital 6 of the preamble to Regulation 1348/2000)?

<sup>(1)</sup> Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (OJ 2000 L 160, p. 37).