2. Is transposition of Article 4(6) of Council Framework Decision 2002/584/JHA in such a way that the extradition of a State's own nationals against their will for the purpose of execution of sentence is always impermissible, whereas extradition of nationals of other Member States against their will can be authorised at the discretion of the authorities, compatible with Union law, in particular with the principles of non-discrimination and Union citizenship under Article 6(1) of the Treaty on European Union (EU) in conjunction with Articles 12 and 17 et seq. of the EC Treaty (EC) and, if so, are those principles at least to be taken into account in the exercise of that discretion?

Reference for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 20 February 2008 — Margarete Block v Finanzamt Kaufbeuren

(Case C-67/08)

(2008/C 107/29)

Language of the case: German

Referring court

Bundesfinanzhof (Germany)

Parties to the main proceedings

Applicant: Margarete Block

Defendant: Finanzamt Kaufbeuren

Questions referred

1. Do the provisions of Article 73d(1)(a) and (3) of the EC Treaty (now Article 58(1)(a) and (3) EC) allow the crediting of Spanish inheritance tax against German inheritance tax to be precluded under Paragraph 21(1) and 21(2)(1) of the Erbschaftsteuer- und Schenkungsteuergesetz (Law on inheritance and gift tax) in conjunction with Paragraph 121 of the Bewertungsgesetz (Valuation Law) (category restriction) even in the case of deaths which occurred in 1999?

Reference for a preliminary ruling from the Tribunale di Napoli, Sezione Lavoro (Italy) lodged on 20 February 2008 — Raffaello Visciano v I.N.P.S.

(Case C-69/08)

(2008/C 107/30)

Language of the case: Italian

Referring court

Tribunale di Napoli, Sezione Lavoro

Parties to the main proceedings

Applicant: Raffaello Visciano

Defendant: I.N.P.S.

Questions referred

1. Do Articles 3 and 4 of Directive 80/987 (1) of 20 October 1980 — where they provide for the payment of workers' outstanding claims relating to pay — allow such claims, when they come to be enforced against the guarantee institution, to be deprived of their initial nature as claims relating to pay and to be reclassified as social security claims merely because the payment of them has been entrusted by the Member State to a social security institution, and therefore allow the term 'pay' to be replaced in national law by the term 'social security benefit'?
2. As regards the social purpose of the directive, is it sufficient for the national legislation to use the employee’s initial claim relating to pay merely as a basis of comparison against which to determine per relationem the benefit to be guaranteed through the intervention of the guarantee institution or is it a requirement that the worker’s claim relating to pay against the insolvent employer be protected, through the intervention of the guarantee institution, by ensuring that its scope, guarantees and time-limits and the procedures for its exercise are the same as those available for any other employment claim under the same legal order?

3. Do the principles inferable from Community legislation, and in particular the principles of equivalence and effectiveness, allow the application to employees’ outstanding claims relating to pay, for the period determined in accordance with Article 4 of Directive 80/987, of limitation rules that are less favourable than those applied to claims of a similar nature?

(1) OJ L 283, p. 23.

Reference for a preliminary ruling from Court of Appeal (Civil Division) (United Kingdom) made on 21 February 2008 — The Queen on the application of Christopher Mellor v Secretary of State for Communities and Local Government

(Case C-75/08)

(2008/C 107/31)

Language of the case: English

Referring court

Court of Appeal (Civil Division)

Parties to the main proceedings

Applicant: Christopher Mellor

Defendant: Secretary of State for Communities and Local Government

Questions referred

1. Whether under Article 4 of Council Directive 85/337/EEC (1) as amended by directives 97/11/EC (2) and 2003/35/EC (3) (the Directive) Member States must make available to the public reasons for a determination that in respect of an Annex II project there is no requirement to subject the project to assessment in accordance with Articles 5 to 10 of the Directive?

2. If the answer to Question 1 is in the affirmative whether that requirement was satisfied by the content of the letter dated 4 December 2006 from the Secretary of State?

3. If the answer to Question 2 is in the negative, what is the extent of the requirement to give reasons in this context?


(2) OJ L 73, p. 5.


Action brought on 29 February 2008 — Commission of the European Communities v Kingdom of Spain

(Case C-94/08)

(2008/C 107/32)

Language of the case: Spanish

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and L. Lozano Palacios, agents)

Defendant: Kingdom of Spain

Form of order sought

— Declare that, by maintaining in its legislation the requirement of Spanish nationality for persons occupying the posts of captain and chief mate of all merchant ships flying the Spanish flag other than merchant ships with a gross tonnage less than 100 GT, which carry cargo or fewer than 100 passengers and operate exclusively between ports or points situated in areas in which Spain has sovereignty, sovereign rights or jurisdiction, the Kingdom of Spain has failed to fulfil its obligations under Community law, and in particular Article 39 EC.

— order Kingdom of Spain to pay the costs.