

Judgment of the Court (Grand Chamber) of 1 July 2008
(reference for a preliminary ruling from the Diikitiko
Efetio Athinon, Greece) — Motosykletistiki Omospondia
Ellados NPID (MOTOE) v Elliniko Dimosio

(Case C-49/07) ⁽¹⁾

(Articles 82 EC and 86 EC — Concept of ‘undertaking’ — Non-profit-making association representing, in Greece, the International Motorcycling Federation — Concept of ‘economic activity’ — Special legal right to give consent to applications for authorisation to organise motorcycling events — Exercise in parallel of activities such as the organisation of motorcycling events and the conclusion of sponsorship, advertising and insurance contracts)

(2008/C 209/13)

Language of the case: Greek

Referring court

Diikitiko Efetio Athinon, Greece

Parties to the main proceedings

Applicant: Motosykletistiki Omospondia Ellados NPID (MOTOE)

Defendant: Elliniko Dimosio

Re:

Reference for a preliminary ruling — Diikitiko Efetio Athinon — Interpretation of Articles 82 EC and 86 EC — Concept of ‘undertaking’ — Non-profit-making automobile association (ELPA) representing the Fédération internationale de motocyclisme (the International Motorcycling Federation) in Greece and having the exclusive right to authorise events in the field of motor sport — Association engaging, in parallel, in economic activities such as advertising, the conclusion of sponsorship agreements and the financing of prizes

Operative part of the judgment

A legal person whose activities consist not only in taking part in administrative decisions authorising the organisation of motorcycling events, but also in organising such events itself and in entering, in that connection, into sponsorship, advertising and insurance contracts, falls within the scope of Articles 82 EC and 86 EC. Those articles preclude a national rule which confers on a legal person, which organises motorcycling competitions and enters, in that connection, into sponsorship, advertising and insurance contracts, the power to give consent to appli-

cations for authorisation to organise such competitions, without that power being made subject to restrictions, obligations and review.

⁽¹⁾ OJ C 95, 28.4.2007.

Judgment of the Court (Grand Chamber) of 24 June 2008
(reference for a preliminary ruling from the Cour de
cassation, France) — Commune de Mesquer v Total France
SA, Total International Ltd

(Case C-188/07) ⁽¹⁾

(Directive 75/442/EEC — Waste management — Concept of waste — ‘Polluter pays’ principle — Holder — Previous holders — Producer of the product from which the waste came — Hydrocarbons and heavy fuel oil — Shipwreck — International Convention on Civil Liability for Oil Pollution Damage — International Oil Pollution Compensation Fund)

(2008/C 209/14)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Commune de Mesquer

Defendants: Total France SA, Total International Ltd

Re:

Reference for a preliminary ruling — Cour de cassation (France) — Interpretation of Article 1 of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32) and of Category Q4 of Annex 1 and of Article 1(b) and (c) and Article 15 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ 2006 L 114, p. 9) — Definition of waste — Inclusion of hydrocarbons and heavy fuel oil, by itself or mixed with water and sand? — Responsibility of the producer and/or holder of the waste where it is transported by a third party