

of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77, and — Corrigenda — OJ 2004 L 229, p. 35, and OJ 2005 L 197, p. 34) — Mutual recognition of diplomas and freedom of establishment — Obligation to take account of all the diplomas, certificates and other evidence of formal qualifications and of the relevant experience of the person concerned — Situation of a national of a non-Member State, the holder of a degree in medicine issued by that non-Member State and recognised by a Member State, wishing to obtain authorisation to practise her profession as a doctor in another Member State where she resides lawfully with her spouse, a Community national

### Operative part of the order

*Article 23 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC does not preclude a Member State from refusing to allow a national of a non-Member State, who is married to a Community national who has not exercised his right to freedom of movement, to rely on the Community rules relating to the mutual recognition of diplomas and to the freedom of establishment, and does not require the competent authorities of the Member State, from which authorisation to practise a regulated profession is sought, to take into consideration all the diplomas, certificates and other evidence of formal qualifications, even if they were obtained outside the European Union but if, at least, they have been recognised in another Member State, and the relevant experience of the person concerned, by comparing the specialised knowledge and abilities certified by those diplomas and that experience with the knowledge and qualifications required by the national rules.*

<sup>(1)</sup> OJ C 155, 7.7.2007.

**Reference for a preliminary ruling from the Hoge Raad der Nederlanden lodged on 9 January 2008 — Har Vaessen Douane Service B.V. v Staatssecretaris van Financiën**

(Case C-7/08)

(2008/C 92/18)

*Language of the case: Dutch*

### Referring court

Hoge Raad der Nederlanden

### Parties to the main proceedings

Har Vaessen Douane Service B.V. and Staatssecretaris van Financiën

### Questions referred

1. Is Article 27 of Regulation (EEC) No 918/83 of 28 March 1983 <sup>(1)</sup>, as amended by Regulation (EEC) No 3357/91 of 7 November 1991 <sup>(2)</sup>, to be interpreted as meaning that the relief referred to in that Article may be claimed in respect of consignments made up of goods which are individually of negligible value but are dispatched as a grouped consignment with a combined intrinsic value which exceeds the value threshold in Article 27?
2. Should Article 27 of the regulation referred to be applied on the basis that 'dispatched direct from a third country to a consignee in the Community' also covers a situation in which the goods are in a third country before being dispatched to the consignee but the consignee's contractual partner is established in the Community?

<sup>(1)</sup> Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (OJ 1983 L 105, p. 1).

<sup>(2)</sup> OJ 1991 L 318, p. 3.

**Reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven (Netherlands) lodged on 9 January 2008 — 1. T-Mobile Netherlands, 2. KPN Mobile NV, 3. Raad van bestuur van de Nederlandse Mededingingsautoriteit, 4. Orange Nederland NV, Intervener: Vodafone Libertel BV**

(Case C-8/08)

(2008/C 92/19)

*Language of the case: Dutch*

### Referring court

College van Beroep voor het bedrijfsleven

### Parties to the main proceedings

*Applicants:*

1. T-Mobile Netherlands BV
2. KPN Mobile NV