

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.

⁽¹⁾ 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 ⁽¹⁾, as amended by Regulation (EEC) No 3357/91 of 7 November 1991 ⁽²⁾, 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?

⁽¹⁾ 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).

⁽²⁾ 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

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 ⁽¹⁾ 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.

⁽¹⁾ 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 ⁽¹⁾ 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)?

⁽¹⁾ 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).