

Reference for a preliminary ruling from the Tribunal Judicial da Comarca do Porto (Portugal) lodged on 13 February 2008 — Santa Casa da Misericórdia de Lisboa v Liga Portuguesa de Fuetbol Profissional (CA/LPFP), Baw International Ltd e Betandwin.Com Interactive Entertainment

(Case C-55/08)

(2008/C 92/35)

Language of the case: Portuguese

Referring court

Tribunal Judicial da Comarca do Porto (Portugal)

Parties to the main proceedings

Applicant: Santa Casa da Misericórdia de Lisboa

Defendants: Liga Portuguesa de Fuetbol Profissional (CA/LPFP), Baw International Ltd and Betandwin.Com Interactive Entertainment

Questions referred

1. Is the fact that the State reserves to itself the 'right to run games of luck or chance' (Article 9 of DL 422/89 of 2 December, amended by DL 10/95 of 19 January 1995 and by DL 40/2005 of 17 February 2005) and the right to 'organise pool betting systems' (Article 1 of DL 84/85 of 17 December 1985, amended by DL 317/2002) compatible with the rules of Community law ... laying down the principles of the freedom to provide services, free competition and prohibition of State monopolies?
2. What criteria should guide interpretation of national legislation restricting those principles, for the purposes of determining whether such restriction is admissible in light of the rules of Community law ...?
3. Is the prohibition of advertising games of luck and chance when forming the substantive content of the message, having regard to the exception relating to the advertising of games organised by the Santa Casa da Misericórdia de Lisboa, compatible with the rules of Community law ... laying down the principles of the freedom to provide services, free competition and prohibition of State monopolies?

Reference for a preliminary ruling from the Tallinna Halduskohus (Estonia) lodged on 13 February 2008 — Pärilitigu OÜ v Maksu- ja Tolliameti Põhja maksu- ja tollikeskus

(Case C-56/08)

(2008/C 92/36)

Language of the case: Estonian

Referring court

Tallinna Halduskohus

Parties to the main proceedings

Applicant: Pärilitigu OÜ

Defendant: Maksu- ja Tolliameti Põhja maksu- ja tollikeskus

Questions referred

- (1) Must the Combined Nomenclature for the Common Customs Tariff which forms Annex I to Council Regulation (EEC) No 2658/87 ⁽¹⁾ of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff be interpreted as meaning that frozen backbones (bones with fish meat) of farmed Atlantic salmon (*Salmo salar*), obtained after filleting the fish, fit for human consumption and normally marketed as a foodstuff, come under
 - (a) subheading 0511 91 10, 'fish waste',
 - or
 - (b) subheading 0303 22 00 15, 'Atlantic salmon (*Salmo salar*) — other — other'?
- (2) If the answer to Question 1 is alternative (b), is the table in Article 1(5) of Council Regulation (EC) No 85/2006 ⁽²⁾ of 17 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of farmed salmon originating in Norway void as contrary to the principle of proportionality laid down in Article 5 of the EC Treaty in so far as, according to that table, the minimum import price established for frozen salmon backbones is higher than the minimum import price for whole fish and gutted head-on fish?

⁽¹⁾ OJ 1987 L 256, p. 1.

⁽²⁾ OJ 2006 L 15, p. 1.