

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?

⁽¹⁾ Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ L 175, p. 40).

⁽²⁾ OJ L 73, p. 5.

⁽³⁾ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, p. 17).

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.