

**Reference for a preliminary ruling from the Thüringer Finanzgericht (Germany), lodged on 25 February 2008 — Glückauf Brauerei GmbH v Hauptzollamt Erfurt**

(Case C-83/08)

(2008/C 128/35)

*Language of the case: German*

**Referring court**

Thüringer Finanzgericht

**Parties to the main proceedings**

*Claimant:* Glückauf Brauerei GmbH

*Defendant:* Hauptzollamt Erfurt

**Question referred**

Are the criteria of legal and economic independence referred to in Article 4(1) of Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages<sup>(1)</sup> for applying the reduced duty rates to be understood, in view of the recitals to the Directive, as meaning that economic dependence between otherwise legally independent breweries is to be presumed only where the breweries concerned cannot act as competitors in the market uninfluenced by each other, or is the mere de facto possibility of influence on the business activity of the breweries sufficient for the criterion of independence to be met no longer?

<sup>(1)</sup> OJ 1992 L 316, p. 21.

**Reference for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 27 February 2008 — David Hütter v Technische Universität Graz**

(Case C-88/08)

(2008/C 128/36)

*Language of the case: German*

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Applicant:* David Hütter

*Defendant:* Technische Universität Graz

**Question referred**

Are Articles 1, 2 and 6 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation to be understood as precluding national legislation<sup>(1)</sup> (here: Paragraphs 3(3) and 26(1) of the Austrian Vertragsbedienstetengesetz 1948 (1948 Law on contractual employees)) which excludes creditable previous service from being taken into account in the determination of the reference date for salary increments in so far as such service was completed before the person concerned reached the age of 18 years?

<sup>(1)</sup> OJ 2000 L 303, p. 16.

**Reference for a preliminary ruling from the Augstākās tiesas Senāta (Republic of Latvia) lodged on 28 February 2008 — Schenker SIA v Valsts ieņēmumu dienests**

(Case C-93/08)

(2008/C 128/37)

*Language of the case: Latvian*

**Referring court**

Augstākās tiesas Senāts

**Parties to the main proceedings**

*Applicant:* Schenker SIA

*Defendant:* Valsts ieņēmumu dienests

**Question referred**

Must Article 11 of Regulation No 1383/2003<sup>(1)</sup> be interpreted as precluding the possibility of imposing a penalty on the declarant or owner of goods under the national law, where the intellectual property right-holder (the right-holder) reaches an agreement, with the declarant or the owner of those goods, to abandon them for their destruction, or engages in discussions in respect of the possibility of the goods being abandoned for their destruction, and in the course of that procedure, the customs authorities receive information that the goods are counterfeit?

<sup>(1)</sup> Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (OJ 2003 L 196, p. 7).