

Action brought on 13 March 2008 — Commission of the European Communities v Kingdom of Spain

(Case C-113/08)

(2008/C 116/29)

Language of the case: Spanish

Parties

Applicant: Commission of the European Communities (represented by: M.A. Rabinal Suárez and P. Dejmek, Agents)

Defendant: Kingdom of Spain

Form of order sought

— declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2006/49/EC⁽¹⁾ of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions and in particular the following: Article 17, Article 72, Article 22 to 25, Article 30, Article 33, Article 35, Article 40, Article 41, Article 43, Article 44, Article 50, Annexes I and II, Annex VII, and, in any event, by failing to communicate those provisions to the Commission, the Kingdom of Spain has failed to fulfil its obligations under the directive.

— order Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The period prescribed for transposing Directive 2006/49/EC into national law expired on 31 December 2006.

⁽¹⁾ OJ 2006 L 177, p. 201.

Action brought on 17 March 2008 — Commission of the European Communities v Hellenic Republic

(Case C-117/08)

(2008/C 116/30)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Kontou-Durande and L. Pignataro)

Defendant: Hellenic Republic

Form of order sought

— declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Commission Directive 2005/62/EC⁽¹⁾ of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards Community standards and specifications relating to a quality system for blood establishments, and in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of Directive 2005/62 into domestic law expired on 31 August 2006.

⁽¹⁾ OJ L 256, 1.10.2005, p. 41.

Action brought on 19 March 2008 — Commission of the European Communities v Hellenic Republic

(Case C-121/08)

(2008/C 116/31)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Kontou-Durande and L. Pignataro)

Defendant: Hellenic Republic

Form of order sought

— declare that, by not adopting the laws, regulations and administrative provisions necessary to comply with Commission Directive 2005/61/EC⁽¹⁾ of 30 September 2005 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards traceability requirements and notification of serious adverse reactions and events, and in any event by not notifying those provisions to the Commission, the Hellenic Republic has failed to fulfil its obligations under that directive;

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of Directive 2005/61 into domestic law expired on 31 August 2006.

⁽¹⁾ OJ L 256, 1.10.2005, p. 32.

Action brought on 19 mars 2008 — Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

(Case C-122/08)

(2008/C 116/32)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: Mr M. Wilderspin, Agent)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claim that the Court should:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 ⁽¹⁾ on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, or in any event by failing to communicate them to the Commission, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under the Directive;
- order United Kingdom of Great Britain and Northern Ireland to pay the costs.

Pleas in law and main arguments

The period within which the directive had to be transposed expired on 30 April 2006.

⁽¹⁾ OJ L 158, p. 77.

Reference for a preliminary ruling from the Rechtbank Amsterdam lodged on 21 March 2008 — Dominic Wolzenburg

(Case C-123/08)

(2008/C 116/33)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Party to the main proceedings

Applicant: Dominic Wolzenburg

Questions referred

1. Should persons who are staying in or are residents of the executing Member State, as referred to in Article 4(6) of the Framework Decision ⁽¹⁾, be taken to mean persons who do not have the nationality of the executing Member State, but do have the nationality of another Member State and are lawfully resident in the executing Member State pursuant to Article 18(1) EC, regardless of the duration of that lawful residence?
- 2a. If the answer to question 1 is negative, should the terms referred to in that question be interpreted as meaning that they concern persons who do not have the nationality of the executing Member State, but do have the nationality of another Member State and, prior to their arrest under a European arrest warrant, have been lawfully resident in the executing Member State pursuant to Article 18(1) EC for at least a certain period?
- 2b. If the answer to question 2a is affirmative, what requirements must lawful residence meet?
3. If the answer to question 2a is affirmative, may the executing Member State lay down, in addition to a requirement concerning the duration of lawful residence, supplementary administrative requirements, such as possession of a permanent residence permit?
4. Does a national measure specifying the conditions under which a European arrest warrant issued with a view to the enforcement of a custodial sentence is rejected by the judicial authority of the executing Member State come within the (material) scope of the EC Treaty?