

Reference for a preliminary ruling from House of Lords (United Kingdom) lodged on 5 August 2008 — Aventis Pasteur SA v OB (by his mother and litigation friend) (FC)

(Case C-358/08)

(2008/C 260/19)

Language of the case: English

Referring court

House of Lords

Parties to the main proceedings

Applicant: Aventis Pasteur SA

Defendant: OB

Question referred

Is it consistent with the European Product Liability Directive ⁽¹⁾ for the laws of a Member State to allow substitution of a new defendant to a claim brought under the Directive after the 10 year period for enforcing rights under Article 11 of the Directive has expired in circumstances where the only person named as a defendant in proceedings instituted during the 10 year period was someone who does not fall within Article 3 of the Directive?

⁽¹⁾ Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 210, p. 29).

Reference for a preliminary ruling from the Tribunal de Première Instance d'Arlon (Belgium) lodged on 7 August 2008 — Marc Vandermeir v État Belge — SPF Finances

(Case C-364/08)

(2008/C 260/20)

Language of the case: French

Referring court

Tribunal de Première Instance d'Arlon

Parties to the main proceedings

Applicant: Marc Vandermeir

Defendant: État Belge — SPF Finances

Question referred

Do Articles 43 and/or 49 EC preclude national legislation of one Member State, such as the legislation in question, which requires a self-employed person residing in that Member State to register his vehicle there, although he carries on business almost exclusively in a second Member State from a fixed establishment that he owns there, and the vehicle is neither intended to be substantially used in the first Member State on a permanent basis, nor is in fact so used?

Action brought on 11 August 2008 — Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

(Case C-367/08)

(2008/C 260/21)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: N. Yerrell, Agent)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claims that the Court should:

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2006/22/EC ⁽¹⁾ of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, or in any event by failing to notify those provisions to the Commission, the United Kingdom has failed to fulfil its obligations under Article 16 of that 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 1 April 2007.

⁽¹⁾ OJ L 102, p. 35.