another producer does not include the quantity in respect of which, during the twelve-month period concerned, milk was delivered by that other producer prior to the transfer of the holding?

2. Do provisions of Community law or general principles governing the common organisation of the market in milk and milk products preclude a rule of national law which, in the framework of the balancing of the unused part of the national reference quantity against deliveries of excess quantities envisaged in Article 10(3) of Regulation No 1788/2003 in the situation at issue in the first question, allows the producer who has taken over the agricultural holding in the course of the twelve-month period to include the portion of the reference quantity already delivered by the other producer for the purpose of participating in the allocation of that unused part?

(1) OJ 2003 L 270, p. 123.

Reference for a preliminary ruling from the Latvijas Republikas Augstākās tiesas Senāts (Republic of Latvia) lodged on 25 June 2009 — Dita Danosa v LKB Līzings SIA

(Case C-232/09)

(2009/C 220/37)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāts

Parties to the main proceedings

Applicant: Dita Danosa

Defendant: LKB Līzings SIA

Questions referred

1. Are the members of the managerial body of a capital company to be regarded as being covered by the concept of worker laid down in Community law?

2. Do Article 10 of Directive 92/85/EEC (1) and the case-law of the Court of Justice of the European Communities preclude Article 224(4) of the Komerclikums, which provides that the members of the board of directors of a capital company may be removed without any restrictions, in particular, in the case of a woman, irrespective of the fact that she is pregnant?

(1) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ 1992 L 348, p. 1)

Reference for a preliminary ruling from the Hof van beroep te Antwerpen — Belgium lodged on 26 June 2009 — G.A. Dijkman and M.A. Dijkman-Lavaleije v Belgische Staat

(Case C-233/09)

(2009/C 220/38)

Language of the case: Dutch

Referring court

Hof van beroep te Antwerpen

Parties to the main proceedings

Applicants: G.A. Dijkman and M.A. Dijkman-Lavaleije

Defendant: Belgische Staat

Question referred

Is it an infringement of Article 56(1) of the EC Treaty for residents of Belgium who invest in other countries, such as the Netherlands, with a view to avoiding the supplementary municipal tax due under Article 465 WIB92 to be obliged to use a Belgian intermediary for the payment out of income from moveable assets, whereas residents of Belgium who invest in Belgium always benefit from the system of withholding tax relief under Article 313 WIB92 and are thus able to avoid the supplementary municipal tax provided for in Article 465 WIB92, since withholding tax on movable assets has already been withheld at source?

Reference for a preliminary ruling from the Cour de cassation (Belgium) lodged on 1 July 2009 — État Belge v Nathalie De Fruytier

(Case C-237/09)

(2009/C 220/39)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: État Belge

Defendant: Nathalie De Fruytier