

Question referred

Does the activity of transporting, in a self-employed capacity, human organs and samples for hospitals and laboratories constitute the supply of human organs, blood and milk, which is exempt from value added tax under Article 13(A)(1)(d) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment? ⁽¹⁾

⁽¹⁾ OJ L 145, p. 1.

Reference for a preliminary ruling from the Landgericht Berlin (Germany) lodged on 1 July 2009 — SEYDALAND Vereinigte Agrarbetriebe GmbH & Co. v BVVG Bodenverwertungs- und -verwaltungs GmbH.

(Case C-239/09)

(2009/C 220/40)

Language of the case: German

Referring court

Landgericht Berlin

Parties to the main proceedings

Applicant: SEYDALAND Vereinigte Agrarbetriebe GmbH & Co
Defendant: BVVG Bodenverwertungs- und -verwaltungs GmbH

Question referred

Does Paragraph 5(1) points 2 and 3 of the FlächenerwerbsVO (Land Purchase Order), which was passed in application of Paragraph 4(3) point 1 of the AusglLeistG (Compensation Act) — ‘Where there are regional valuations of arable and pasture land, the value should be determined according to them. The regional valuations are published by the Bundesminister der Finanzen (Federal Finance Minister) in the Bundesanzeiger (Federal Gazette)’ — infringe Article 87 EC Treaty?

Reference for a preliminary ruling from the Gerechtshof te Amsterdam (Netherlands) lodged on 3 July 2009 — Albron Catering BV v FNV Bondgenoten and John Roest

(Case C-242/09)

(2009/C 220/41)

Language of the case: Dutch

Referring court

Gerechtshof te Amsterdam

Parties to the main proceedings

Applicant: Albron Catering BV
Defendants: FNV Bondgenoten, John Roest

Questions referred

1. Should Directive 2001/23/EC ⁽¹⁾ be interpreted as meaning that there is a transfer of rights and obligations to the transferee referred to in the first sentence of Article 3(1) only if the transferor of the undertaking to be transferred is also the formal employer of the employees concerned, or does the protection of employees envisaged by the Directive imply that, upon transfer of an undertaking from an operating company belonging to a group, the rights and obligations pertaining to the employees working for that undertaking are transferred to the transferee if all the personnel working in the group are in the employ of a personnel company (which also belongs to that group) which functions as the central employer?
2. What would be the answer to the second part of the first question if the employees referred to there who work for an undertaking belonging to a group are in the employ of another company which also belongs to that group, *which is not a personnel company as described in the first question?*

⁽¹⁾ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ 2001 L 82, p. 16).

Reference for a preliminary ruling from the Arbeidshof te Brussel (Belgium), lodged on 6 July 2009 — Omalet NV v Rijksdienst voor Sociale Zekerheid

(Case C-245/09)

(2009/C 220/42)

Language of the case: Dutch

Referring court

Arbeidshof te Brussel

Parties to the main proceedings

Appellant: Omalet NV

Respondent: Rijksdienst voor Sociale Zekerheid

Questions referred

1. Must a national court apply Article 49 EC to a dispute between the Rijksdienst voor Sociale Zekerheid and a principal contractor established in Belgium, where judgment is sought against that principal contractor pursuant to Article 30a(3) of the Law of 27 June 1969 amending the Decree-Law of 28 December 1944 on social security for employed persons (in the version applicable prior to the amendment of that article by