

Form of order sought

— Declare that, by failing to adopt, in full, the laws, regulations and administrative provisions necessary to implement Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽¹⁾ (as amended by Commission Directive 2008/53/EC of 30 April 2008 amending Annex IV to Council Directive 2006/88/EC as regards Spring viraemia of carp (SVC)⁽²⁾) or by failing to notify the Commission thereof, the Republic of Austria has failed to fulfil its obligations under that directive;

— order the Republic of Austria to pay the costs.

Pleas in law and main arguments

The period prescribed for implementation of the directive expired on 1 May 2008.

⁽¹⁾ OJ 2006 L 328, p. 14.

⁽²⁾ OJ 2008 L 117, p. 27.

Action brought on 7 August 2009 — Commission of the European Communities v Kingdom of Belgium

(Case C-315/09)

(2009/C 256/25)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: F. Erlbacher and L. de Schietere de Lophem, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

— Declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals,⁽¹⁾ as amended by Commission Directive 2008/53/EC of 30 April 2008 amending Annex IV to Council Directive 2006/88/EC as regards Spring viraemia of carp (SVC),⁽²⁾ or, in any event, by failing to inform the

Commission of those provisions, the Kingdom of Belgium has failed to fulfil its obligations under those directives;

— order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The period for the transposition of Directive 2006/88/EC expired on 1 May 2008 and the period for transposition of Directive 2008/53/EC expired on 1 August 2008. However, at the time the present action was brought, the defendant had not yet adopted all the measures necessary to transpose the directive or, in any event, had not informed the Commission thereof.

⁽¹⁾ OJ 2006 L 328, p. 14.

⁽²⁾ OJ 2008 L 117, p. 27.

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 12 August 2009 — Secretary of State for the Home Department v Maria Dias

(Case C-325/09)

(2009/C 256/26)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicant: Secretary of State for the Home Department

Defendant: Maria Dias

Questions referred

1. If a European Union citizen, present in a Member State of which she is not a national, was, prior to the transposition of Directive 2004/38/EC⁽¹⁾, the holder of a residence permit validly issued pursuant to Article 4(2) of Directive 68/360/EEC⁽²⁾, but was for a period of time during the currency of the permit voluntarily unemployed, not self-sufficient and outside the qualifications for the issue of such a permit, did that person by reason only of her possession of the permit, remain during that time someone who 'resided legally' in the host Member State for the purpose of later acquiring a permanent right of residence under Article 16(1) of Directive 2004/38/EC?