

Parties to the main proceedings

Applicant: Polska Telefonia Cyfrowa sp. z o.o.

Defendant: Prezes Urzędu Komunikacji Elektronicznej

Question referred

Does Article 58 of the Act of Accession (OJ 2003 L 236, p. 33) allow reliance to be placed against individuals in a Member State upon European Commission guidelines (OJ 2002 C 165, p. 6) of which, under Article 16(1) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ 2002 L 108, p. 33), the national regulatory authority should take the utmost account when carrying out an analysis of the relevant markets, where those guidelines have not been published in the *Official Journal of the European Union* in the language of that State and that language is an official language of the European Union?

Reference for a preliminary ruling from the Landesgericht für Zivilrechtssachen Wien (Austria) lodged on 28 October 2009 — Humanplasma GmbH v Republic of Austria

(Case C-421/09)

(2010/C 24/34)

Language of the case: German

Referring court

Landesgericht für Zivilrechtssachen Wien

Parties to the main proceedings

Applicant: Humanplasma GmbH

Defendant: Republic of Austria

Question referred

Does Article 28 (in conjunction with Article 30) EC preclude the application of a national provision under which the importation of erythrocyte concentrates from Germany is permitted only where the blood was donated without any payment having been made (not even coverage of expenses), that being a condition which is also applicable to the obtaining of erythrocyte concentrates within Austria?

Reference for a preliminary ruling from the Simvoulio tis Epikratias (Greece) lodged on 28 October 2009 — Vasiliki Stylianou Vandorou v Ipourgos Ethnikis Pedias kai Thriskevmaton

(Case C-422/09)

(2010/C 24/35)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: Vasiliki Stylianou Vandorou

Defendant: Ipourgos Ethnikis Pedias kai Thriskevmaton

Question referred

For the purposes of Article 4(1)(b) of Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16), as amended by Article 1(3) of Directive 2001/19/EC (OJ 2001 L 206, p. 1), and prior to its repeal pursuant to Article 62 of Directive 2005/36/EC (OJ 2005 L 255, p. 22), does the 'professional experience' to be taken into account by the competent national authority, in order to determine whether the knowledge acquired by the person concerned by reason of such experience is such that it fully or partly covers the substantial differences between the matters covered by the education and training received by the person concerned in the Member State of origin and those covered by the diploma required in the host Member State, include experience which exhibits the following cumulative characteristics:

- (a) it was acquired by the person concerned after obtaining a diploma granting access to a specific regulated profession in the Member State of origin,
- (b) it was acquired in the context of professional activities in the host Member State which, although not identical to the regulated profession the right to pursue which in the host Member State is the subject of the application filed by the person concerned in reliance on Directive 89/48/EEC (and which cannot, moreover, be lawfully pursued in the host Member State until such time as the said application has been accepted) are, in the essential view of the national authority responsible for ruling on the application, professional activities which appear to correlate with the above regulated profession, and
- (c) it is found, during the material appraisal by the aforementioned national authority, owing to the above correlation, to be such that it covers at least some of the substantial differences between the matters covered by the education and training received by the person concerned in the Member State of origin and the matters covered by the corresponding diploma in the host Member State?