

Reference for a preliminary ruling from the Okresní Soud, Český Krumlov, by order of that court of 28 November 2005 in Jan Vorel v Český Krumlov Hospital

(Case C-437/05)

(2006/C 36/50)

(Language of the case: Czech)

Reference has been made to the Court of Justice of the European Communities by order of the Okresní Soud (District Court), Český Krumlov, of 28 November 2005, received at the Court Registry on 5 December 2005, for a preliminary ruling in the proceedings between Jan Vorel and Český Krumlov Hospital on the following question:

From the point of view of conformity with Directive 93/104/EC⁽¹⁾ and the judgment of the Court of Justice of the European Communities in Case C-151/02 *Stadt Kiel v Norbert Jäger*, is a doctor's waiting for work when on call at his place of work in the hospital to be regarded as the performance of work?

⁽¹⁾ OJ L 307, p. 18

Reference for a preliminary ruling from the Cour administrative d'appel de Douai by judgment of that court of 1 December 2005 in Roquette Frères v Ministre de l'Agriculture, de l'Alimentation, de la Pêche et de la Ruralité

(Case C-441/05)

(2006/C 36/51)

(Language of the case: French)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour administrative d'appel de Douai (Administrative Court of Appeal, Douai) of 1 December 2005, received at the Court Registry on 12 December 2005, for a preliminary ruling in the proceedings between Roquette Frères and Ministre de l'agriculture, de l'alimentation, de la pêche et de la ruralité (Minister for Agri-

culture, Food, Fisheries and Rural Affairs) on the following questions:

1. Could Roquette Frères undoubtedly have mounted an admissible challenge directly before it to the legality of Article 24(2) of Regulation No 1785/81⁽¹⁾, Article 27(3) of Regulation No 2038/1999⁽²⁾, Article 1 of Regulation No 2073/2000⁽³⁾, Article 11(2) of Regulation No 1260/2001⁽⁴⁾, Article 1 of Regulation No 1745/2002⁽⁵⁾ and Article 1 of Regulation No 1739/2003⁽⁶⁾?
2. If Roquette Frères can admissibly plead the illegality of those provisions, are Article 24(2) of Regulation No 1785/81, Article 27(3) of Regulation No 2038/1999, Article 1 of Regulation No 2073/2000, Article 11(2) of Regulation No 1260/2001, Article 1 of Regulation No 1745/2002 and Article 1 of Regulation No 1739/2003 valid inasmuch as they set the maximum basic quantities of isoglucose production for metropolitan France without taking into account the isoglucose produced in that Member State between 1 November 1978 and 30 April 1979 as an intermediate product used in the manufacture of other products intended for sale.

⁽¹⁾ Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector (OJ 1981 L 177, p. 4)

⁽²⁾ Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector (OJ 1999 L 252, p. 1)

⁽³⁾ Commission Regulation (EC) No 2073/2000 of 29 September 2000 reducing, for the 2000/2001 marketing year, the guaranteed quantity under the production quotas scheme for the sugar sector and the presumed maximum supply needs of sugar refineries under the preferential import arrangements (OJ 2000 L 246, p. 38)

⁽⁴⁾ Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector (OJ 2001 L 178, p. 1)

⁽⁵⁾ Commission Regulation (EC) No 1745/2002 of 30 September 2002 reducing, for the 2002/2003 marketing year, the guaranteed quantity under the production quotas scheme for the sugar sector and the presumed maximum supply needs of sugar refineries under the preferential import arrangements (OJ 2002 L 263, p. 31)

⁽⁶⁾ Commission Regulation (EC) No 1739/2003 of 30 September 2003 reducing, for the 2003/2004 marketing year, the guaranteed quantity under the production quotas for the sugar sector and the presumed maximum supply needs of sugar refineries under preferential imports (OJ 2003 L 249, p. 38)