Question referred

Is Article 4(1) of the Sixth Directive [1] to be interpreted as meaning that if a natural person has the sole activity of actually carrying out all work ensuing from the activities of a private limited company of which he is the sole manager, sole shareholder and sole 'member of staff', that work is not an economic activity because it is carried out in the course of the management and representation of the private limited company and thus not in economic dealings?

[1] 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 (OJ L 145, p. 1)

Reference for a preliminary ruling from the College van Beroep voor het Bedrijfsleven (Netherlands) lodged on 4 September 2006 — Feinchemie Schwebda GmbH and Bayer CropScience AG v College voor de Toelating van Bestrijdingsmiddelen; other party to the proceedings: Agrichem B.V.

(Case C-361/06)

(2006/C 294/40)

Language of the case: Dutch

Referring court

College van Beroep voor het Bedrijfsleven

Parties to the main proceedings

Applicants: Feinchemie Schwebda GmbH and Bayer CropScience AG

Defendant: College voor de Toelating van Bestrijdingsmiddelen

Other party to the proceedings: Agrichem B.V.

Question referred

Must Article 4(1) of Directive 2002/37/EC [1]be interpreted as meaning that that provision does not require Member States to terminate the authorisation of a plant protection product containing ethofumesate before 1 September 2003 on the ground that the authorisation holder does not have, or have access to, a dossier satisfying the conditions set out in Annex II to Directive 91/414/EEC? [2]

[1] Commission Directive 2002/37/EC of 3 May 2002 amending Council Directive 91/414/EEC to include ethofumesate as an active substance (OJ 2002 L 117, p. 10).

[2] Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1).

Reference for a preliminary ruling from the Hoge Raad der Nederlanden, lodged on 12 September 2006 — Benetton Group SpA v G-Star International B.V.

(Case C-371/06)

(2006/C 294/41)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Benetton Group SpA

Defendant: G-Star International B.V.

Questions referred

(1) Must Article 3(1)(e), first indent [1], be interpreted as meaning that the prohibition contained therein permanently precludes the registration of a shape as a trade mark where the nature of the product is such that its appearance and shaping determine its market value entirely or substantially as a result of their beauty or original character, or does the prohibition not apply where, prior to the application for registration, the attractiveness of the relevant shape to the public has been determined predominantly by the recognition of it as a distinctive sign?

(2) If the answer to Question 1 is to the latter effect, to what extent must this attractiveness have prevailed for the prohibition no longer to apply?

[1] First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ L 40, 11.2.1989, p. 1).