

**Action brought on 11 October 2006 — Commission of the European Communities v Republic of Poland**

(Case C-416/06)

(2006/C 326/54)

*Language of the case: Polish*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Shotter and K. Mojzesowicz, acting as Agents)

*Defendant:* Republic of Poland

**Form of order sought**

- declare that, by not ensuring actual availability of at least one comprehensive directory and one comprehensive directory enquiry service in accordance with the requirements set out in Article 5(1) and (2) and Article 25(1) and (3) of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services<sup>(1)</sup>, the Republic of Poland has failed to fulfil its obligations under that directive;
- order the Republic of Poland to pay the costs.

**Pleas in law and main arguments**

The time-limit for transposition of Directive 2002/22 expired on 30 June 2004.

<sup>(1)</sup> OJ No L 108, 24.4.2002, p. 51.

**Reference for a preliminary ruling from the Verwaltungsgericht Schwerin (Germany) lodged on 16 October 2006 — Rüdiger Jäger v Amt für Landwirtschaft Bützow**

(Case C-420/06)

(2006/C 326/55)

*Language of the case: German*

**Referring court**

Verwaltungsgericht Schwerin

**Parties to the main proceedings**

*Applicant:* Rüdiger Jäger

*Defendant:* Amt für Landwirtschaft Bützow

**Question referred**

Can Article 2(2) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests<sup>(1)</sup> be construed as meaning that a provision imposing a more favourable penalty (concerning livestock aid) is to be applied retroactively even if that provision in principle only applies for a period of time during which livestock aid in the Member State concerned is no longer granted as a direct payment has been introduced?

<sup>(1)</sup> OJ 1995 L 312, p. 1.

**Reference for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 16 October 2006 — Fratelli Martini & C. s.p.a, Cargill s.r.l. v Ministero delle Politiche Agricole e Forestali, Ministero della Salute, Ministero delle Attività Produttive**

(Case C-421/06)

(2006/C 326/56)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicants:* Fratelli Martini & C. s.p.a, Cargill s.r.l.

*Defendants:* Ministero delle Politiche Agricole e Forestali, Ministero della Salute, Ministero delle Attività Produttive,

**Questions referred**

1. Following the judgment of the Court of Justice of 6 December 2005 in Joined Cases 453/03, 11/04, 12/04 and 194/04, which declared Directive 2002/2<sup>(1)</sup> partially invalid, are the European institutions which adopted that Directive, having regard to Article 233 of the EC Treaty (referring to acts which have been declared void) 'required to take the necessary measures to comply with the judgment of the Court of Justice'?
2. If the answer to question (1) is in the affirmative, must the measures which the European institutions are required to adopt in order to bring Directive 2002/2 into conformity with that judgment of the Court of Justice enter into force first in the Community legal order, to enable the Member States to implement them in their own legal systems?

3. Must the measures referred to in question (2) be adopted by the Community institutions and implemented by the Member States in a manner which ensures compliance with the subsequently adopted Regulation No 183/2005? <sup>(2)</sup>
4. Must Regulation No 183/2005, read together with Articles 8 and 16 of Regulation No 178/2002 <sup>(3)</sup>, be interpreted as prohibiting producers of feedingstuffs from affixing to their products labels which could mislead consumers?
5. Are labels affixed to feedingstuffs to be regarded as misleading for consumers where the percentages of the various ingredients, as indicated on those labels, may intentionally be set by the producers at levels which deviate by 15 % in each case from the actual percentage?

<sup>(1)</sup> OJ L 63, p. 23.

<sup>(2)</sup> OJ L 35, p. 1.

<sup>(3)</sup> OJ L 31, p. 1.

**Action brought on 16 October 2006 — Commission of the European Communities v Republic of Poland**

(Case C-422/06)

(2006/C 326/57)

*Language of the case: Polish*

**Parties**

*Applicant:* Commission of the European Communities (represented by: H. Støvlbæk and K. Mojzesowicz, acting as Agents)

*Defendant:* Republic of Poland

**Form of order sought**

— declare that, by not adopting all the laws, regulations and administrative provisions necessary to comply with Council Directive 74/557/EEC of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products <sup>(1)</sup> or, in any event, not informing the Commission thereof, the Republic of Poland has failed to fulfil its obligations under Article 8 of that directive;

— order the Republic of Poland to pay the costs.

**Pleas in law and main arguments**

The time-limit for transposition of Directive 74/557 expired on 30 June 2004.

<sup>(1)</sup> OJ No L 307, 18.11.1974, p. 5.

**Action brought on 16 October 2006 — Commission of the European Communities v Republic of Poland**

(Case C-423/06)

(2006/C 326/58)

*Language of the case: Polish*

**Parties**

*Applicant:* Commission of the European Communities (represented by: H. Støvlbæk and K. Mojzesowicz, acting as Agents)

*Defendant:* Republic of Poland

**Form of order sought**

— declare that, by not adopting all the laws, regulations and administrative provisions necessary to comply with Council Directive 74/556/EEC of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries <sup>(1)</sup> or, in any event, not informing the Commission thereof, the Republic of Poland has failed to fulfil its obligations under Article 7 of that directive;

— order the Republic of Poland to pay the costs.

**Pleas in law and main arguments**

The time-limit for transposition of Directive 74/556 expired on 30 June 2004.

<sup>(1)</sup> OJ No L 307, 18.11.1974, p. 1.

**Reference for a preliminary ruling from the Corte Suprema di Cassazione (Italy) lodged on 16 October 2006 — Ministero dell'Economia e delle Finanze v Part Service Srl, in liquidation**

(Case C-425/06)

(2006/C 326/59)

*Language of the case: Italian*

**Referring court**

La Corte Suprema di Cassazione