

respect of mammals which are imported from another EU Member State and which come under category B, C or D in the Regulation or are not referred to in the Regulation, where those mammals are held in that Member State in accordance with the legislation of that State and that legislation complies with the provisions of the Regulation?

2. Does Article 30 EC of the EC Treaty or Regulation No 338/97 preclude the adoption by a Member State of rules which, under existing legislation on animal welfare, prohibit any commercial use of specimens, save where those specimens are explicitly referred to in those national rules, where the objective of the protection of those species, as referred to in Article 30 EC, can be achieved just as effectively by measures which obstruct intra-Community trade less?

⁽¹⁾ OJ 1997 L 61, p. 1.

revenue for the pre-funding of European cinematographic films and films made for television?

2. If the reply to the previous question is affirmative, is a national measure which, in addition to laying down the pre-funding obligation referred to above, reserves 60 % of that compulsory funding for original Spanish-language works compatible with that directive and with Article 12 EC, taken in conjunction with the other special provisions to which that article refers?
3. Does an obligation imposed by a national measure on television operators to the effect that the latter must earmark a percentage of their operating revenue for the pre-funding of cinematographic films, where 60 % of that amount must be earmarked specifically for original Spanish-language films the majority of which are produced by the Spanish film industry, amount to State aid in favour of that industry within the meaning of Article 87 EC?

⁽¹⁾ OJ L 298, p. 23.

⁽²⁾ OJ L 202, p. 60.

Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 3 May 2007 — UTECA (Unión de Televisiones Comerciales Asociadas) v Federación de Asociaciones de Productores Audiovisuales, Ente Público RTVE y Administración del Estado

(Case C-222/07)

(2007/C 155/26)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicant: UTECA (Unión de Televisiones Comerciales Asociadas)

Defendants: Federación de Asociaciones de Productores Audiovisuales, Ente Público RTVE y Administración del Estado

Questions referred

1. Does Article 3 of Council Directive 89/552/EEC ⁽¹⁾ of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC ⁽²⁾ of the European Parliament and of the Council of 30 June 1997, permit Member States to impose on television operators the obligation to earmark a percentage of their operating

Action brought on 4 May 2007 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-224/07)

(2007/C 155/27)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: N. Yerrel and P. Dejmek, Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) ⁽¹⁾, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 33 of that directive;