

2) Article 12(1) of Directive 89/104 must be interpreted as meaning that obstacles having a direct relationship with a trade mark which make its use impossible or unreasonable and which are independent of the will of the proprietor of that mark constitute 'proper reasons for non-use' of the mark. It is for the national court or tribunal to assess the facts in the main proceedings in the light of that guidance.

(<sup>1</sup>) OJ C 193, 16.8.2006.

**Judgment of the Court (First Chamber) of 21 June 2007  
(reference for a preliminary ruling from the Rechtbank te Rotterdam, Netherlands) — Criminal proceedings against  
Omni Metal Service**

(Case C-259/05) (<sup>1</sup>)

*(Regulation (EEC) No 259/93 — Waste — Cables composed of copper and PVC — Export to China for purposes of recovery — Heading GC 020 — Mixed waste — Combination of two materials mentioned in the green list of wastes — Such mixed waste not included on the green list — Consequences)*

(2007/C 183/07)

Language of the case: Dutch

**Referring court**

Rechtbank te Rotterdam

**Party in the criminal prosecution in the main proceedings**

Omni Metal Service

**Re:**

Reference for a preliminary ruling — Rechtbank Rotterdam — Interpretation of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ 1993 L 30, p. 1) — Whether cable scrap with a diameter of 15 cm and composed of different materials may be classified as electronic scrap within the meaning of heading GC 020 of the green list in Annex II to that regulation — Whether it is possible to transport such waste without the notification procedure or without the need to transport it separately

**Operative part of the judgment**

1. Heading GC 020 of the green list of wastes in Annex II to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community, as amended by Commission Regulation (EC) No 2557/2001 of 28 December 2001, is to be interpreted as covering wire cable only if such wire comes from electronic equipment.
2. Regulation No 259/93, as amended by Regulation No 2557/2001, is to be construed in such a way that the fact that composite waste is a combination of two materials both of which are mentioned in the green list of wastes in Annex II to that regulation does not have the effect of making the rules laid down by that regulation concerning the wastes mentioned on that list applicable to such composite waste.

(<sup>1</sup>) OJ C 243, 1.10.2005.

**Judgment of the Court (Second Chamber) of 14 June 2007  
— Commission of the European Communities v Republic  
of Finland**

(Case C-342/05) (<sup>1</sup>)

*(Failure of a Member State to fulfil its obligations — Directive 92/43/EEC — Conservation of natural habitats — Wild fauna and flora — Wolf hunting)*

(2007/C 183/08)

Language of the case: Finnish

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. van Beek and I. Koskinen, Agents)

*Defendant:* Republic of Finland (represented by: E. Bygglin, Agent)

**Re:**

Failure of a Member State to fulfil its obligations — Infringement of Articles 12(1) and 16(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7) — Hunting of wolves