

The Portuguese Republic still has not adopted the measures that it ought to have adopted in relation to the economic traders to whom the law contrary to Articles 28 and 30 of the EC Treaty was applied.

Action brought on 10 October 2007 — Commission of the European Communities v Portuguese Republic

(Case C-458/07)

(2007/C 297/48)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: P. Andrade and G. Braun, Agents)

Defendant: Portuguese Republic

Form of order sought

- a declaration that the Portuguese Republic, by failing to ensure in practice that at least one comprehensive telephone directory and at least one comprehensive telephone directory enquiry service are available to all end-users, as laid down in Articles 5(1) and (2) and 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⁽¹⁾, has failed to fulfil its obligations under that directive;
- an order that the Portuguese Republic should pay the costs.

Pleas in law and main arguments

In Portugal, subscribers to Vodafone who expressed their wish to have their names included in the universal service directory are still not included in it.

The regulator, ANACOM, has not yet decided on the form and procedure for supplying the information in question. The present legal situation is the responsibility of the Portuguese Republic.

⁽¹⁾ OJ L 108, p. 51.

Reference for a preliminary ruling from the Unabhängiger Finanzsenat, Außenstelle Graz (Österreich) lodged on 9 October 2007 — Veli Elshani v Hauptzollamt Linz

(Case C-459/07)

(2007/C 297/49)

Language of the case: German

Referring court

Unabhängiger Finanzsenat, Außenstelle Graz

Parties to the main proceedings

Applicant: Veli Elshani

Defendant: Hauptzollamt Linz

Questions referred

1. The criterion for extinction laid down in point (d) of the first paragraph of Article 233 of Council Regulation (EEC) No 2913/92⁽¹⁾ establishing the Community Customs Code ('the Customs Code') does not refer to the time at which the customs debt is incurred but to a time after the customs debt is incurred, because it presupposes a customs debt 'incurred' in accordance with Article 202 of the Customs Code.

Is the expression 'upon their unlawful introduction' within the meaning of point (d) of the first paragraph of Article 233 of the Customs Code to be interpreted as meaning that:

- the introduction into the customs territory of the Community of goods in respect of which a customs debt is incurred in accordance with Article 202 of the Customs Code ends when they are introduced at the border customs office or at any other place designated by the customs authorities, but at the latest when they leave the premises of the border customs office or of the otherwise designated place, because the goods have thus entered the customs territory, with the result that seizure and confiscation of the goods after that time no longer results in the extinction of the customs debt,

or as meaning that:

- the introduction into the customs territory of the Community of goods in respect of which a customs debt is incurred in accordance with Article 202 of the Customs Code continues, adopting an economic approach, for as long as their transport continues as a single process following the introduction of the goods into the customs territory, and the goods in the customs territory have not yet therefore reached their first destination and come to rest there, with the result that seizure and confiscation of the goods up to that time results in the extinction of the customs debt?