

Question referred

Is Article 6(2) in conjunction with the second sentence of Article 6(1) of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts ⁽¹⁾ to be interpreted as precluding a provision of national law which provides that, in the case of a revocation by a consumer within the revocation period, a seller may claim compensation for the value of the use of the consumer goods delivered?

⁽¹⁾ OJ 1977 L 144, p. 19.

Reference for a preliminary ruling from the Landesgericht für Strafsachen Wien, Austria, lodged on 31 October 2007 — Criminal proceedings against Vladimir Turansky

(Case C-491/07)

(2008/C 22/49)

Language of the case: German

Referring court

Landesgericht für Strafsachen Wien

Party to the main proceedings

Vladimir Turansky

Question referred

'Is the bar on a second prosecution for the same acts (*ne bis in idem* principle) contained in Article 54 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed in Schengen (Luxembourg) on 19 June 1990 ⁽¹⁾ to be interpreted as precluding the prosecution of a suspect in the Republic of Austria for the same acts in respect of which criminal proceedings in the Slovak Republic were discontinued after its accession to the European Union by means of a binding order of a police authority suspending the proceedings without further sanction taken after examination of the merits of the case?'

⁽¹⁾ OJ L 239, 22.9.2000, p. 19.

Action brought on 7 November 2007 — Commission of the European Communities v Republic of Poland

(Case C-492/07)

(2008/C 22/50)

Language of the case: Polish

Parties

Applicant: Commission of the European Communities (represented by A. Nijenhuis and K. Moyzesowicz, acting as Agents)

Defendant: Republic of Poland

Form of order sought

- declare that, by failing to ensure the proper incorporation into national law of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽¹⁾ and in particular Article 2(k) with reference to the definition of a subscriber, 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 period for transposition of the directive expired on 30 April 2004.

⁽¹⁾ OJ L 108 of 24.4.2002, p. 33.

Reference for a preliminary ruling from the Oberster Patent- und Markensenat (Austria) lodged on 14 November 2007 — Silberquelle GmbH v Maselli-Strickmode GmbH

(Case C-495/07)

(2008/C 22/51)

Language of the case: German

Referring court

Oberster Patent- und Markensenat

Parties to the main proceedings

Applicant: Silberquelle GmbH

Defendant: Maselli-Strickmode GmbH