

**Order of the Court (Sixth Chamber) of 13 November 2008 (references for a preliminary ruling from the Diikitiko Efetio Thessalonikis, Greece) — Maria Kastrinaki v Panepistimiako Geniko Nosokomeio Thessalonikis AHEPA**

(Joined Cases C-180/08 and C-186/08) <sup>(1)</sup>

*(First subparagraph of Article 104(3) of the Rules of Procedure — Directive 89/48/EEC — Recognition of diplomas — Studies completed in an ‘independent study centre’ not recognised as an educational establishment by the host Member State)*

(2009/C 44/41)

*Language of the case: Greek*

#### Referring court

Diikitiko Efetio Thessalonikis

#### Parties

*Appellant:* Maria Kastrinaki

*Respondent:* Panepistimiako Geniko Nosokomeio Thessalonikis AHEPA

#### Re:

Reference for a preliminary ruling — Diikitiko Efetio Thessalonikis — Interpretation of Articles 1, 2, 3 and 4 of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16) — Interpretation of Article 39(1) EC, the first paragraph of Article 10 EC and Articles 43, 47(1), 49, 55, 149 and 150 EC — National of a Member State who has pursued a regulated profession in the host Member State before and after recognition of professional equivalence resulting from academic qualifications obtained in another Member State — Prior completion of part of university studies, under a franchising agreement, in an institution not recognised as an educational establishment by the host Member State — Possibility, by reason of a refusal to recognise such qualifications, of excluding a worker from professional activity

#### Operative part of the order

*The competent authorities of a host Member State are required, under Article 3 of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, to permit a national of a Member State who holds a diploma within the meaning of that directive issued by a competent authority of another Member State to pursue his profession on the same conditions as apply to holders of national diplomas even though that diploma:*

— attests to education and training received, in whole or in part, at an establishment located in the host Member State which, according to the legislation of that State, is not recognised as an educational establishment, and

— has not been homologated by the competent national authorities.

<sup>(1)</sup> OJ C 171, 5.7.2008.

**Reference for a preliminary ruling from the Oberlandesgericht Oldenburg (Germany) lodged on 1 October 2008 — Arnold and Johann Harms, in their capacity as a partnership under German civil law v Freerk Heidinga**

(Case C-434/08)

(2009/C 44/42)

*Language of the case: German*

#### Referring court

Oberlandesgericht Oldenburg (Germany)

#### Parties to the main proceedings

*Applicants:* Arnold and Johann Harms, in their capacity as a partnership under German civil law

*Defendant:* Freerk Heidinga

#### Question referred

Is Article 46(2) of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy <sup>(1)</sup> and establishing certain support schemes for farmers to be interpreted as meaning that the following contractual arrangements are incompatible with that provision and hence invalid: contractual arrangements outwardly effecting a complete and definitive transfer of payment entitlements, but stipulating — according to an internal agreement between the parties — that the seller is to remain the beneficial owner of those payment entitlements, whereby the purchaser, in his capacity as the person formally entitled to them, is to activate the payment entitlements through cultivation of the corresponding land and to pass on to the seller the full amount of the single payments made to him, or contractual arrangements pursuant to which land premiums are transferred to the purchaser in such a way that he remains under an ongoing obligation to pay to the seller a part of the single payments (the farm-specific part), at any rate once those payments have been activated and disbursed?

<sup>(1)</sup> OJ L 270, p. 1.