

Parties to the main proceedings

Applicant: Verlag Schawe GmbH

Defendant: Sächsisches Druck- und Verlagshaus AG

Questions referred

1. Do Article 7(1) and (5) and Article 9 of Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases ⁽¹⁾ prohibit a legal provision of a Member State, according to which an official database which is published as a matter of general information for official purposes (in this instance: a systematic and complete collection of all calls for tender documents emanating from a German *Land*) does not benefit from *sui generis* protection under the directive?
2. If the answer to Question 1 is in the negative: is this also the case where the database is constructed not by a public body but by a private undertaking on its behalf, to which all bodies of this *Land* issuing calls for tender must directly submit their calls for tender documents for publication?

⁽¹⁾ OJ 1996 L 77, p. 20.

Action brought on 25 April 2007 — Commission of the European Communities v Kingdom of the Netherlands

(Case C-217/07)

(2007/C 155/24)

Language of the case: Dutch

Parties

Applicant: Commission of the European Communities (represented by: W. Wils and P. Dejmek, acting as Agents)

Defendant: Kingdom of the Netherlands

Form of order sought

- declaration that, by failing to adopt 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 ⁽¹⁾,

and with

Directive 2004/50/EC of the European Parliament and of the Council of 29 April 2004 amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system ⁽²⁾,

or in any event by not communicating such measures to the Commission, the Netherlands has failed to fulfil its obligations under those directives;

- order that the Kingdom of the Netherlands pay the costs.

Pleas in law and main arguments

The period prescribed for transposing those directives into national law expired on 30 April 2006.

⁽¹⁾ OJ L 164, 30.4.2004, p. 44.

⁽²⁾ OJ L 164, 30.4.2004, p. 114.

Reference for a preliminary ruling from the Raad van State (Belgium) lodged on 27 April 2007 — VZW de Nationale Raad van Dierenkwekers en Liefhebbers and VZW Andibel v Belgische Staat

(Case C-219/07)

(2007/C 155/25)

Language of the case: Dutch

Referring court

Raad van State (Belgium)

Parties to the main proceedings

Applicants: VZW de Nationale Raad van Dierenkwekers en Liefhebbers and VZW Andibel

Defendant: Belgische Staat

Questions referred

1. Must Article 30 of the Treaty of 25 March 1957 establishing the European Community, in itself or in conjunction with Council Regulation (EC) No 338/97 ⁽¹⁾ of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, be interpreted as meaning that a prohibition on the import of or trade in fauna, imposed in implementation of Article 3bis(1) of the Law of 4 August 1986 on the protection and welfare of animals (Wet betreffende de bescherming en het welzijn der dieren), is not justified in